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ABSTRACT

Proceedings from a seminar in which 86 participants from 60 countries exchanged views on the relationship between the International Labour Office (ILO) and the World Confederation of Organizations of the Teaching Profession (WCOTP). Particular attention was devoted to the wide range of services provided in relation to trade union rights, the status of teachers, and worker education. This report reproduces the text of the major presentations made at the seminar, and summarizes the recommendations that were brought forward. Transcripts of the following statements are included: "Teachers look to the ILO for defense of their trade union rights" (James W. Killeen); "Teachers' participation needed for the implementation of international labour standards" (Gerard Bohere); "ILO's role--to protect workers through international action" (Amal Mukherjee); "Teachers deserve good conditions of work" (Michael Bell); "The ILO/Unesco status recommendation--many provisions could be implemented with little or no cost" (Michael Bell); "ILO in the forefront of the defense of freedom of association" (W.R. Simpson); "How to present a successful complaint" (Michael Bell); "Workers' education part of the continuing education process" (V. Agostinone); "These are our specific needs--how can ILO help" (Panel discussion: Tom A. Bediako, Fernando Hernandez Diaz, Aloysius Mathews, Michael Bell); "Defense of individual and collective rights of teachers a major WCOTP goal" (Norman M. Goble); "These are our specific needs--how can WCOTP help" (Panel Discussion: Joeli Sovaki, Cheick Sadibou Diagne, Wade Wilson, Nakakoji Kiyoo); "This is what we want from the ILO and WCOTP" (Recommendations); "Reinforced action in defense of teachers" (James W. Killeen). The program's daily proceedings are appended, as is a list of participants. (DB)

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SO 030 355

ILO - THE DEFENDER OF TEACHERS' RIGHTS AND WORKING CONDITIONS

WCOTP SEMINAR - 16-18 AUGUST, 1982
ILO HEADQUARTERS, GENEVA, SWITZERLAND

World Confederation of Organizations of the Teaching Profession
Confédération Mondiale des Organisations de la Profession enseignante
Confederación Mundial de Organizaciones de Profesionales de la Enseñanza
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Morges, Switzerland

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FOREWORD

The activities of WCOTP as defender of the individual and collective rights of teachers, and its efforts to secure improvements in conditions of work, bring it into frequent contact with the International Labour Organisation. As the political and economic climate hardens, these contacts will become more frequent and more important. Instances of the restriction and violation of human and trade union rights are multiplying at an alarming rate, and economic difficulties are being used more and more frequently as a pretext for measures which change working conditions for the worse.

The working relationship between the ILO and WCOTP was brought into focus at a WCOTP seminar held at the ILO Headquarters following the 1982 Assembly of Delegates. Eighty six participants from sixty countries exchanged views with senior officers of various branches of the ILO, and learned of the wide range of services provided in relation to trade union rights, the status of teachers and worker education. At the conclusion of the meeting, the participants addressed a number of recommendations to the ILO and to WCOTP for intensified action to meet the threats faced by the labour movement in general and teachers in particular.

This report reproduces the text of the major presentations made to the seminar, and summarizes the recommendations which were brought forward.

The wide geographical representation at the seminar was made possible by financial assistance from the Australian Teachers' Federation; the National Education Association of the United States; the Nordic Teachers' Council (representing Danmarks Laererforening, Denmark; Opettajien Ammattijärjestö and Svenska Finlands Lärarförbund, Finland; Kennarasamband Islands, Iceland; Norsk Laererlag, Norway; and Sveriges lärarförbund and Svenska Fackläraförbundet, Sweden); the Japan Teachers' Union and the Guide Foundation, in addition to the allocation from the WCOTP budget. The Confederation is most grateful for this contribution.

Particular thanks are due to the Director General of the ILO for the provision of premises and facilities for the meeting, and to the officers of the Secretariat for their valuable contribution to the seminar, documented in this report.

Norman M. Goble
Secretary General

Morges, 19.1.1983

TEACHERS LOOK TO THE ILO FOR DEFENCE OF THEIR TRADE UNION RIGHTS

James W. Killeen, President, WCOTP

Opening Remarks

It is a great pleasure for me, as the newly elected President of WCOTP, to open officially this WCOTP Post Assembly Seminar on the topic of "The ILO - the defender of teachers' rights and working conditions". It is indeed appropriate that this Seminar is held in the very place to which all workers look for support for the fundamental right to organize and to be a partner in the quest for appropriate conditions of work and life.

Because of the very fundamental role teachers play in society in giving young children the basis for their future activities in society and guiding them to become democratic and critical citizens, teachers are at risk from governments and agencies which see democratic and critical citizens as a threat to them. To cite our late Secretary General John M. Thompson who was a tireless fighter for human and trade union rights - "The paradox is that teachers are targets of repression both because they legitimize the status quo and because they threaten it". The ILO Committee on Freedom of Association has seen and has attempted to deal with numerous examples of this.

The great changes our society has undergone during the last few decades have considerably modified the role of the teacher. No longer does the teacher simply transmit knowledge. Today's teacher is concerned not only with learning but also with the social aspects of a child's life. Today's teacher is faced with a myriad of demands imposed on him/her by society. Today's teacher must, as a result of many factors too numerous to mention in a short opening speech, be both a chameleon and a magician, with a host of - an ever-changing host of - new approaches to teaching. All this has added to the work load of teachers that is manifested in a phenomenon known as"teacher burn out".

In this respect, ILO has been of considerable assistance through the joint ILO meeting on employment and conditions of work of teachers which was held here at the ILO nearly one year ago.

ILO and Unesco are bodies which have consistently demonstrated a concern for teachers. The 1966 "Unesco/ILO Recommendation concerning the Status of Teachers", is a source document constantly referred to by teachers whenever and wherever work is done to improve the status and working conditions of teachers.

Because of these considerations, we are holding this Post-Assembly seminar on the ILO as defender of teachers' rights and conditions of work. I wish to express our deep gratitude to the International Labour Office, particularly to the Departments of Salaried Employees and Professional Workers and Workers Relations, for this opportunity. The willingness of so many ILO officials to share our concerns and to contribute to the deliberation we will have during the three days here is praiseworthy.

As the seminar unfolds, WCOTP hopes that this joint discussion will lead to increasing collaboration, leading to the promotion of the status of that group of workers in society (our teachers) who hold the decisive key to the success of any other worker. Without education, it is extremely difficult for an individual to shape his/her own future.

Looking back at the development of ILO's and teachers' organizations' activities there has been an increasing trend towards mutual concern. It is clear that the ILO from the start had to concentrate on improving the often inhuman conditions of work of manual workers. Teachers, although not always working under easy conditions, benefitted from relatively good conditions of work in their capacity as public employees.

But times have changed. Thanks to the ILO, conditions of work are steadily improving in the private sector. However, teachers often find themselves deprived of a number of trade union rights because of outdated and outmoded conceptions of the special character of public employees - especially those who have chosen to teach. Because the changed role of teachers has considerably increased work load, we see a development which is contrary to developments for other workers. For many workers, we see more human working conditions and shorter working time. For teachers, we see the spectre of those two great enemies of teachers - TIME and NUMBERS (of pupils) increasing.

We therefore appreciate very much the increased attention that ILO in its activities is paying to the public sector, as

manifested by the establishment of a permanent Joint Committee on the Public Service and the elaboration of the Labour Relations(Public Service) convention no. 151. Much remains, however, to be done to convince governments that old doctrines and conceptions once used as an excuse for not according full trade union rights are indeed, in this day and age, empty shells. The content of the conventions on the promotion of collective bargaining, adopted in 1981 and on the termination of employment, which was adopted this year, gives clear evidence that the attitude of many governments needs to be changed.

Lack of trade union rights makes teachers' organizations easy victims of governmental repression. An important field of work lies therefore behind in developing trade union rights of public employees. In effect, the work of implementing the 1966 Unesco/ILO Recommendation on the Status of Teachers, must go on. IMPLEMENTATION - 16 years later - is still a goal and still a key.

WCOTP is ready to do its utmost to work for improved trade union rights. We would also wish to be a partner in an increasing involvement in workers' education within the framework of ILO, something that is already being done at local level where teachers, especially in rural areas, play a vital role in such activities.

I wish to finish this introduction with some words about the peculiar status WCOTP holds within the framework of ILO. A principle WCOTP cherishes is that all teachers should be able to join in one united international teachers' union. This aspiration, for which we have the support of six million teachers in 86 countries on all continents, places us in a situation which is organizationally different from that of the other teachers' internationals. All do sincere work in defence of the interests of their constituency. The problem lies in the political world, with its many divisions, self-interests and hatreds. We consider that in a divided, hostile world, it is an obligation of the teaching profession to stand free from such division. How will we otherwise be able to educate children for solidarity among peoples?

Because of this independent position of ours WCOTP is often accused of not being trade unionist and not caring for all workers. These accusations sometimes come from our own colleagues, the other teachers' internationals or from other fellow workers. This is rubbish. We care deeply for our teachers. We care deeply for our own members. We care for

our fellow workers. Just as we care for the young people in our charge - our students.

An organization should be judged by what it is doing - not by hearsay, not by misinformation. WCOTP is a true reflection of its constituency. Our members in Africa, in Asia and in the South Pacific struggle to build their nations through education designed to benefit everyone.

In Latin America, teachers must struggle in order to give all children a fair chance in life and to ensure their own survival. For many of our Latin American colleagues, trade union activities too often mean arbitrary detention, torture, disappearance and death.

In industrialized countries, unions struggle forcefully to guarantee human values, in spite of threats of economic regression, structural changes on the labour market and a hardening political climate.

Not all of our WCOTP member organizations are affiliated to a trade union centre for a multitude of reasons. However these organizations promote education and expend great effort to secure trade union rights. Education and conditions of work of teachers are closely interlinked and many of our members' organizations do not wish to separate the professional and trade union activities of teachers. Furthermore, in many developing countries, teachers' organizations are not allowed to join the national trade union centre. Do we have the right to ignore them and not try to help them organize and strengthen their organizations? Certainly not. The ILO and WCOTP are interested in all matters relating to workers - to do otherwise is to abandon the seminal concern initiated by our founders.

I have raised this matter because it is in the context of ILO's work and in that context only that the input from over 6 million teachers represented by WCOTP has been questioned in some quarters. This has led to a certain discrimination when it comes to the representation of teachers. Having said this, I wish to stress strongly the good relations we have with the Labour Office. We have always been ready to act as a channel between national member organizations and the Office and we have had considerable support from the ILO in our work.

I voice the sentiments of all participants at this seminar in saying that I hope that the seminar will result in more consolidated and continuing cooperation. We are all working for the same goal - a decent life and human conditions for all workers.

TEACHERS' PARTICIPATION NEEDED FOR THE IMPLEMENTATION OF INTERNATIONAL LABOUR STANDARDS

Gérard Bohère, Chief, Salaried Employees and Professional Workers Branch, ILO

Opening Plenary Session

I have the pleasure and honour of welcoming you here on behalf of the Director General who would certainly point out the fact that this is your home, your organization. It is within these walls that many of the activities carried out by ILO are prepared.

When the late Secretary General of your organization, Mr. John Thompson, asked me more than 12 months ago if it would be possible to hold here at the ILO headquarters this seminar after your General Assembly, I thought that it was an excellent idea and that it would certainly be very useful and profitable. On the other hand, I think it is a good idea to hold a seminar on ILO activities specifically regarding teachers. This will be a good chance for you to become more familiar with our organization and how it works and operates for the cause of teachers and in general terms, workers, within the framework that will be described later on by my colleague, Mr. Mukherjee. In fact, in our view it is not enough to prepare and adopt international instruments like Conventions or in a more narrow scope the conclusions of meetings like the one held last year, the joint meeting on problems of teachers. Even if this is a balanced approach to the problems of the workers, more is required: to ensure that these instruments be widely known so that they can be implemented on the basis of the good-will of governments and also through the influence of the parites involved directly, that is, employers in most cases and workers in every case. The workers will always have a word to say and have to make their voice heard so as to make these instruments implemented as widely as possible. It is fundamentally through the action of their unions and the international organizations that this can be attained.

Your president set the right tone for this seminar a while ago. I don't want to go in depth into the work that is carried out here because Mr. Murkherjee will go into the details later on. My colleague Michael Bell will point out how these activities addressed to teachers specifically are carried out. But I would like to refer to a group of

workers to which a large number of teachers pertain, i.e. the public employees.

Everything carried out here at the ILO with regard to activities addressed to public employees is also of interest to you directly. Mr. Bell will point out what we do at two levels for teachers: on the one hand in cooperation with the Unesco, and on the other on our own. During a number of years ILO worked in the field of the public service within the framework of a committee that still exists, which is the Advisory Committee for Salaried Employees and Professional Workers which also dealt with problems of employees in trade and offices and various types of professional workers. It was seen quite soon that this committee could not adequately cover the problems of such a wide range of workers and specialized bodies were established. Thus, a Committee of experts started studying crucial problems of the public service, including freedom of association, in the sixties. At the end of the sixties the Governing Body of the ILO set up a Joint Committee for the Public Service, including governmental delegates and representatives of the workers. At first it included only 16 governmental representatives and 16 representatives of the workers. Recently this has been somewhat expanded so that at the next session, in May 1983, it will comprise 20 governmental representatives and 20 representatives of public employees.

I am not going into detail as to the work of this committee. So far it has held two sessions, in 1971 and 1976. The first session dealt specifically with the problems of freedom of association and the determination of the public employees' working conditions. It is on the basis of this work that the International Labour Conference adopted four years ago a Convention as well as a Recommendation on freedom of association and the determination of working conditions for public employees. You are all of course familiar with this Convention and you know how significant and important it is. In 1976 the Joint Committee on the Public Service dealt with the problems of public employees at the regional and local level and also, which I think will be of interest to you, discussed the question of disciplinary codes and procedures for public employees.

At the next session to be held in May 1983, this Committee will discuss three points. First, there will be a general report that will be an inventory of recent developments in the public service in many countries during the last six or seven years. The Committee will also consider to what extent governments have followed up the conclusions adopted

by the Committee in 1976, in particular with regard to the disciplinary codes and procedures. The second item on the agenda will concern problems of recruitment, training and career of public employees. I think that this subject is of interest to teachers also, although the ILO/Unesco Recommendation covers all details in this respect. Then the third itsm will refer to the impact on employment and working conditions of structural and technical changes within the public service, as part of a series of activities carried out by the ILO with regard to this very important subject for workers, that is, the impact of structural and technological changes on the level and the nature of employment and working conditions in general.

I don't think I have the time to go into Convention 151 mentioned by your Secretary General. It is not on your agenda but perhaps if possible in these three days we might exchange some views on the contents of Convention 151.

As to teachers I would just like to make an introduction to what Michael Bell will say in a short while. I would like to repeat that our activities are mainly concentrated on two aspects. First, our cooperation with Unesco, in relation to the 1966 Recommendation on the Status of Teachers. From the formal point of view it is a Unesco instrument but actually it interests both ILO and Unesco. About half of the 140 provisions in this Recommendation are in the field of competence of ILO. If it is formally a Unesco instrument, it is in a way by chance. When an intergovernmental conference was called to study and adopt the draft text drawn up jointly by both organizations, political considerations in respect of the membership of the two organizations suggested that it would be preferable to hold this intergovernmental conference at the Unesco headquarters. But the ILO participated to a great extent in the conference, by sending a large delegation from the Governing Body and the Secretariat. The Committee of Experts in charge of implementing this Recommendation also includes experts appointed by Unesco and ILO. I think that my colleague will tell you how these appointments were made and what is the exact role of this Committee of Experts. The second aspect is our own programme in the field of teachers which is independent from the one of Unesco, although we can rely on Unesco help to implement these activities, in particular the information available in Paris at the Unesco headquarters and here in Geneva at the International Bureau of Education. The most salient aspects of activities carried out in this field during the last few years relate to the Joint Meeting on Conditions of Work of Teachers which met in October-November last, the conclusions of which are on the agenda of this Seminar.

ILO'S ROLE - TO PROTECT WORKERS THROUGH INTERNATIONAL ACTION

Amal Mukherjee, Chief of the Workers' Relations Branch, ILO

Workers and the ILO

It is indeed an honour and pleasure to meet all of you this morning at the headquarters of the ILO. The title of my talk according to the programme I have in front of me is the "Workers and the ILO". As you all know, the International Labour Organisation was created in 1919 after the first world war. It was created to a very large extent at the urging of the trade union movement. The workers wanted an international organization to bring in governments and employers to resolve some of the difficult social problems of that time because they felt trade union action at a national level was not enough. The labour problem was becoming international. The conditions of work and life differed from place to place and it was recognised that efforts were needed on a world-wide scale to combat the harmful effects of industrialisation. The whole idea was to set up international labour standards which could be applied throughout the world so that basic conditions of work and regulations should be uniform. That is how the International Labour Organisation came into existence.

In several respects the ILO is unique and one of its important features is that it is a tripartite organization. It is the only international intergovernmental body in the UN family which includes workers and employers. In other words, two non-governmental groups participate in ILO activities on an equal footing. Another feature is that when workers come to ILO meetings or conferences they do not have to act as national delegates. They represent the workers of the world and form the Workers' group. The Employers' delegates do the same, they form their own group. Government delegates, of course, don't normally form as strict a group because each delegate has his own mandate in dealing with matters before the conference.

You will find that all the conference rooms in this building have separate seating arrangements for the three groups. Normally in any meetings of the ILO, from a huge conference to a small-sized meeting, the government delegates sit in the middle with the workers on their left and the employers

on their right. Before the three groups come together they meet separately - the workers, the employers, sometimes the governments, but not always. The workers meet together and collectively form their position on the agenda issues and appoint a spokesman or chairman of their group and the employers do the same thing. They meet privately and formulate their position so that, in effect, when the three parties meet, it becomes a kind of international collective bargaining session. The workers put forward their demand, the employers respond,"sorry it is too much we cannot agree with that",and so the process of international collective bargaining starts with the governments in the role of conciliator or arbitrator. Somewhere in the middle they will try to strike a bargain. The role of the government delegates is to help the two parties come to an agreement on the issues before the meeting. That is how the ILO functions.

Now I will very briefly describe to you the structure of the ILO which was established in 1919. Once a year in June the International Labour Conference is convened and that brings together 4 delegates (2 government, 1 worker and 1 employer) from each member country. In addition each of the four delegates may be accompanied by a number of advisers. The primary function of the June Conference is to adopt international labour Conventions and Recommendations. Conventions place more obligations on member States than Recommendations since the former are subject to ratification. Members are obliged to inform the ILO whether they are in a position to ratify Conventions and what measures are being taken to set up or amend legislation to confirm with the terms of the Convention. Conventions are like international treaties. Recommendations are not subject to ratification but governments are expected to apply the provisions of Recommendations in the national legislation and practice.

Apart from this primary function, the International Labour Conference also discusses and adopts the budget, reviews past activities and, through a conference committee, considers a number of resolutions submitted by delegates that concern the future work and the orientation of the ILO. It also reviews the application of ratified Conventions by State Members.

In recent years, a number of other important issues have come up. There is a Committee on Apartheid and another on Structure. The latter Committee is looking into the structure of the ILO to bring about some reforms. Before the last world war, some 56 countries were members of the ILO and

today the figure is 150 but the basic structure of the ILO has remained as in 1919 with only little changes here and there.

Once every three years the Conference elects the members of the Governing Body, which consists of 56 members, 28 from the government side and 14 each from the workers' and employers' sides. The role of the Governing Body is to supervise the functioning of the Office and prepare the Annual Conference. The Governing Body normally meets three times a year and it prepares the biennial programme and budget of the organization, appoints the Director-General and in general supervises the work of the Secretariat and a host of matters.

Having dealt with the Conference and the Governing Body, I should now like to turn to the third organ of the International Labour Organisation - the International Labour Office. The International Labour Organisation is quite distinct from the International Labour Office. The Office and the other two organs already described form the Organisation. What do we do at the International Labour Office? We have three basic functions. The first is to prepare the ground for international labour Conventions and Recommendations. In order to do that we have to do a lot of research work, a lot of fact finding, and it is always a difficult task to see at what level the international labour standard needs to be set up, for the conditions of the workers differ widely between the richest and poorest countries. In some countries you have a very strong trade union movement forming a powerful pressure group which is able to negotiate terms and conditions, in accordance with the provisions of the Conventions and Recommendations, in parliament, the senate, or with the employers. In the developing countries, where the trade unions are weak, struggling and don't have much bargaining power, you find that they are exploited and are unable to have Conventions and Recommendations implemented. It is always a difficult choice, to set a level for standards which would be meaningful, applicable, useful to both the very highly and the less developed countries. Here again, the process of international bargaining between workers and employers helps in reaching a certain acceptable level that comes somewhere in the middle - the norm of international labour Conventions and Recommendations. As I said, in order to enable the Conference to set up a Convention or Recommendation, the Office has to do a lot of research, gather information, facts, figures, and then prepare a report and a questionnaire seeking information on the outline of the proposed standard. It may take four to five years or more to have a Convention finally adopted. A Convention or Recommendation is

adopted after, what we call, a double discussion procedure - the same subject is debated at two successive Conferences. The second year decisions are taken on the exact text of the Convention or Recommendation. Once adopted, normally within a period of 12 months, the member countries have to report back to the ILO whether they are in a position to ratify the Convention or not. In general, once a Convention has been ratified by two member countries, it becomes operative a year later. Periodically, standing ILO supervisory machinery examines the performance of the member countries with regard to ratified Conventions, which is finally reviewed by the Conference.

In the postwar period we developed another equally important activity, what we call the technical co-operation activity of the ILO, for the newly independent developing countries who joined the ILO and needed help and assistance in developing their social structure and economy. Today, the extent of our technical co-operation activities is a little over 100 million dollars a year, primarily to developing countries. Sixty-five to sixty-six per cent of these technical co-operation activities are in the field of training - vocational training to train workers in different trades and skills and to upgrade their capacity and skills. We have set up training centers in a large number of developing countries under this programme. There is also large number of developing countries under this programme. There is also management training and workers' education training, so a major part is spent in the field of training. Then we have other advisory services to governments in the fields of employment policies, industrial relations, minimum wages, safety and health, co-operatives, on all kinds of social issues. However, we don't just march into a country, we respond to requests from member countries for technical assistance. A major part of our technical co-operation fund comes from the UNDP (United Nations Development Programme). There are a host of other funding agencies, mostly in Europe: SIDA from Sweden, NORAD from Norway, DANIDA from Denmark, development funds of the Dutch Government, German Government, UK, Canada, etc. So all these funds are available for the developing countries and we become the executing agency of projects which are concerned with social and labour matters. This is one of the major tasks of the ILO, to help developing countries in their developmental efforts.

Then, of course, we have the Headquarters here in Geneva with a staff of something like 1,500 to 1,600 people, we have offices in about 40 countries all over the world.

In addition, we have about 900 technical experts who are working in the developing countries executing projects.

The Governing Body also convenes, from time to time, expert committees and industrial committees to deal with specific issues pertaining to particular industries. They meet periodically, maybe once every five or six years. They are generally tripartite committees but a few are bipartite, like the Joint Committee on the Public Service.

In addition the Governing Body convenes regional conferences and regional advisory committees for Asia, Africa, Latin America and Europe, once every five or six years to discuss regional problems, to advise the Governing Body of the expectations of the region. Then the Governing Body may call a tripartite meeting of experts to advise it on specific technical problems. The ILO is unique in several respects - it is the only organization in the UN system where workers participate in their own right and don't have to follow their national government's policy in discharging their responsibilities. They form a distinct group of their own to discuss workers' problems which are the same throughout the world and the methods of solving them are also more or less the same. Therefore, the whole thing turns out to be a kind of exercise in international collective bargaining. I will now briefly mention what my branch does in the ILO.

We are known as the Workers' Relations Branch. It is one of the oldest branches or departments in the ILO. Immediately after the first director was appointed he realised that the ILO, being a tripartite organization and set up as the result of the insistent demands of the workers, must remain relevant and close to the workers at all times. In order to keep its close relations with the workers he felt the need to appoint trade unionists coming from the workers' ranks who would enjoy their confidence and maintain daily contacts and would keep the Office fully aware of workers' problems and aspirations. The presence of the workers was thus created in the Office to promote and defend the interests of workers. My branch is not very affluent or very large, there are only five professional people but all of them come from active trade union ranks. I myself was a second generation trade unionist in India and I worked for many years with the International Confederation of Free Trade Unions in Brussels. For the last 12 years I have been with the ILO helping the workers as a chief liaison man between the workers of the world and the ILO. A Canadian, a Senegalese, a Swiss and a Colombian, all trade unionists, share these tasks with me.

The ILO must not be confused with an international trade union organization, it is not a trade union body. Very often workers think that the ILO is a trade union and capable of performing miracles. There are many things the ILO cannot do but which the international or national trade unions can do. It is an intergovernmental body created to improve working and living conditions of workers, to protect workers' interests through international action, primarily through international labour Conventions and Recommendations, decisions and conclusions. Here the workers have a right to participate, say what they want and, as a result, have always been in the vanguard of the whole ILO movement. Our task is to guide the workers' group, to help in bringing all the workers together because they come from different regions, they speak different languages, they may belong to different international trade unions, they may not know each other, and so the task of my branch is to help them bring about solidarity in the group in order to achieve the goals which workers have come to expect from the ILO. Servicing the Workers' group at ILO meetings is one of our major tasks because, as I said, throughout the year there are many meetings and conferences taking place in Geneva and elsewhere.

Our second major task is to help the technical departments and advise them about workers' problems and attitudes. The Workers' Relations Branch is constantly consulted by the technical departments in the development of their work, in their approach, in the convening of meetings and whatever you have. We also act in a kind of advisory role to the Director-General on many delicate political issues facing the ILO. We act as the secretariat of the Workers' group at most meetings and conferences. We receive about 3000 trade union journals from all over the world and we try to ensure that these journals are brought to the attention of the appropriate departments when they deal with technical matters. There are four major international trade union organizations which enjoy full consultative status with the ILO - we have daily relations with them. There are ten regional organizations of workers, 60 international trade secretariats of different industries and more than 300 national trade union confederations or federations. In addition, of course, there are hundreds of thousands of individual unions or local unions which write to us for information on collective bargaining, safety and health, conditions of work, wages, hours of work, etc. We try to meet their requests by providing them with information, legislation of other countries, facts and figures, which is useful in their pursuit to promote the interests of their members. At the same time, through trade union journals, attending trade

union conferences and having discussions with trade union leaders, we keep ourselves alive to the changing needs of the workers and this two-way constant contact and communication keeps the ILO relevant to the aspirations of the workers. That's how we try to be responsive to workers' needs and demands.

I think I should stop here and see if you have any questions, which I will be happy to answer.

TEACHERS DESERVE GOOD CONDITIONS OF WORK

Michael Bell, Salaried Employees and Professional Workers' Branch, ILO

Outstanding problems in the exercise of the teaching profession - findings of the ILO Joint Meeting on Conditions of Work of Teachers

Mr. Chairman, the Joint Meeting on Conditions of work of teachers which took place last October was as most of you know the first of its kind and it was considered so successful by the participants, at least on the teachers' side, that they insisted there should be regular meetings of this kind and permanent machinery in the form of a permanent committee on teachers and that was one of the proposals adopted by the meeting as a whole. It was, I think, an extremely useful and satisfying meeting in that there was an underlying agreement between the two sides on the basic principle that teachers deserve good conditions of work and employment. The problem was how these could be achieved in a variety of contexts - in the context of the developed countries, where there are often surpluses of teachers because of declining roles and for other reasons; and in sharing developing countries, where there is a chronic shortage of teachers. The conclusions of the meeting try to deal with the specific problems of both developed and developing countries.

Now, I should explain to you what the meeting was trying to do. There was an introductory report which described the situation on the four points selected for specific consideration which were employment problems, conditions of work, health and safety, and teachers in rural or isolated areas. There are so many problems of teachers' conditions of work and employment that the Governing Body that fixed the agenda decided to limit the agenda to those four points in order to concentrate the discussion. The aim of the meeting was to produce a consensus on a set of guidelines, guiding principles or what we describe in ILO jargon as conclusions. These conclusions were the views of the meeting in the form of advice to the Governing Body on how these problems should be dealt with. The conclusions contain a certain number of proposals for implementation in individual countries and some proposals for action by ILO. The bulk of the conclusions relate to action to be taken at the individual country level. The Governing Body has accepted those conclusions as its own guidelines for the ILO's own future action, and has passed them on to Governments to consider what should be done on the basis of those conclusions within each individual country.

At the same time, the Governing Body asked Governments to pass those conclusions on to the teachers' organizations concerned, so that they could be officially apprised of them and make their own proposals on what might be done. In other words, these conclusions are for use not only by governments but also by teachers' organizations and everybody else concerned with conditions of employment in the teaching profession. They apply not only to teachers in the public service and to the government authorities which employ them but also the teachers in private establishments and their employers whoever they may be. So, in the public sector these conclusions are a matter for discussion between the teachers' organizations and the governments and in the private sector, discussion, negotiation, possibly bargaining between the teachers and their organizations - if they have them, which is not always the case - and the employers of teachers, which may be an individual school or a federation of schools. So, as in the case of the resolutions you adopted last week, these conclusions are a basis for future action by all concerned and they set a series of goals which are to be worked towards. The Committee was quite flexible about the possibility of achieving the goals. It is recognized that in some countries there are financial constraints, and other constraints - such as a shortage of teachers - which make the achievement of these goals a very long term objective. It recognizes that there are shortages of funds, that there are shortages of schools, shortages of teachers; but the goals are there, and whether they are easy of achievement, hard of achievement, or whether they appear almost impossible to achieve, they are there to be pursued for as long as the parties concerned want them to be pursued.

Now, a few words about what there is in the conclusions themselves. A lot of time was spent on employment problems covering two situations, first, that of the teachers' surplus which has developed in some countries and what should be done to deal with the problems to which that surplus gives rise, and secondly the situation of teacher shortage and what should be done to remedy it.

As far as the countries with surpluses of teachers are concerned, the guiding principle is to keep the teaching force intact so that it can cope with a new expansion of the pupil population when it comes. There are a whole series of measures which might be taken to avoid unemployment among teachers. There is one that is not mentioned and that is the recycling of teachers into other professions. The underlying assumption is that there will always be a need for teachers and

that once a man is a teacher, if he has to stop being a teacher, this stoppage will be temporary, and the education service must be able to get him back. So all the measures are devoted to making the use of the abilities and the services of teachers who are threatened with redundancy within the framework of the educational service. There is less about countries where teachers are in shortage; but there the underlying theme is that if there is a shortage, then the need is to attract more people with the necessary qualifications, abilities and vocation into the profession. Adequate teachers' salaries relative to other jobs, adequate teacher pensions and social security systems are particularly stressed in this regard.

On conditions of work, the emphasis is laid on the problems of hours of work and class size. There is only one reference (and an indirect one at that) to a problem which came up at the meetings some of you have just been attending, and that is the question of the impact of the new technologies. This is mentioned but very indirectly in paragraph 23. It is something which maybe we can look at at another meeting. On the health and safety side, the main thrust is directed towards the problem of stress, the factors which cause stress their incidence and their effect, which has increased during recent years with the ultimate danger of what Mr. Killeen referred to just now as "teacher burn out". There are a whole series of suggestions there as to what might be done, which try to cover a wide range of individual cases. And there are finally a number of suggestions concerning what might be done to attract qualified, motivated teachers to rural or isolated areas.

There is a passage on the role of teachers' organizations. First of all there is a statement that the competent authorities should recognize independent and legitimate teachers' organizations as representative of their members and entitled to full information and consultation and to bargain collectively on all the matters covered by these conclusions. Now at the meeting some government members expressed some reservations, particularly with regard to the words "bargain collectively". This was a matter related to the public service regulations in their own countries, which, while often allowing for consultation, did not allow for collective bargaining as such, public servants being under special legislation as far as the setting of their conditions of employment is concerned.

Paragraph 51 states that "teachers organizations should also participate in evaluating the application of all legislation", and also that "teachers' organizations are called upon to inform teachers of the content of the present conclusions and of the latter's significance for them". Here is a very big job for teachers' organizations. And the conclusions end with a series of requests to the ILO to conduct a certain number of studies, to establish a permanent joint committee on teachers, to continue cooperation with Unesco on the application of the Unesco Recommendation on the Status of Teachers and certain other requests of a more general character.

The conclusions are, I think, extremely comprehensive on the subjects they cover. This was the opinion of those present, and it was also felt that there could be a great deal of use in individual countries when they sat down to look at the problems facing teachers in regard to their conditions of work and employment. Now I will not say any more; this is a seminar, and you are the people who should be talking. But if anyone has any questions, I will do my best to answer.

THE ILO/UNESCO STATUS RECOMMENDATION
MANY PROVISIONS COULD BE IMPLEMENTED WITH LITTLE OR NO COST

Michael Bell, Salaried Employees and Professional Workers' Branch, ILO

Inventory of obstacles to the implementation of the Unesco/ILO Recommendation Concerning the Status of Teachers

I will not address myself in detail to the obstacles concerning the implementation of the Recommendation in individual countries. I think you know much more about them than I do. To start off it might be useful if I explain how the monitoring procedure works. You are familiar with the Recommendation itself, but possibly less familiar with the monitoring procedure and the work of the Joint ILO/Unesco Committee of Experts on the Application of the Unesco Recommendation Concerning the Status of Teachers (that is its full name). When the Recommendation was adopted in 1966 it was decided that there should be a monitoring process and ILO and Unesco were asked to look after this. The two organizations decided to establish a committee of experts of 12 persons - 6 nominated by Unesco and 6 by ILO. The members of the committee are independent persons chosen solely on the basis of their competence in the principal domains covered by the Recommendation, and they are expected to have a thorough knowledge of the problems which application of the Recommendation might pose, whether in respect of education, teacher training or school administration (which are the concern of Unesco) or of terms of employment, working conditions, social security (the domains of ILO). The experts are selected from many different parts of the world. The President is Pierre Laroque, who has just retired from the post of Chairman of the Social Section of the French Council of State. The task of the committee is to determine the degree of the application of the Recommendation on the basis of an examination of the reports of governments on the subject. At the very outset the Committee decided it would not try to determine whether each country was applying each provision of the Recommendation. It decided to look at the overall situation to see where the problem areas lay and to make recommendations or rulings on particular practices; saying, for instance, that such and such a Recommendation is, or is not in line with it. It also tries to examine the situation in a dynamic perspective to see whether the general situation with regard to the application of particular provisions is improving or not.

It does its work on the basis of reports submitted by governments. The committee has had three ordinary sessions so far and will have a fourth in December. Preparations are still in the initial stages and I cannot tell you what conclusions they will arrive at but I can speak about the second and third ordinary sessions which discussed replies to questionnaires, and also mention the special session which took place in 1979 when three subjects were discussed: academic freedom, teachers' pay and social security for teachers.

The normal procedure is that about 18 months before the meeting is scheduled to take place, ILO writes to all Ministers of Labour of member countries and Unesco writes to all Ministers of Education of its member countries and sends a questionnaire asking them to complete it. We also ask them to pass on copies of their replies to the teachers' organizations concerned and to let us have any comments which those organizations may send in. Very few governments actually said that they had passed the replies on to teachers' organizations but we know some did as responses are incorporated in some way or another in their replies. This year we have had a long separate reply from the Canadian Teachers' Federation, which the government of Canada passed on.

In addition to reports from governments the committee has decided it will take into consideration comments from international teachers' organizations. It also agreed that it could take into consideration information on the implementation of the Recommendation which may be received from national teachers' organizations or their employers. Where these comments or submissions relate to a specific country the committee of experts will send the comments to the government for a reply. When a reply is received it will examine the two and will decide whether in its view the practice challenged or commented on is in line with the Recommendation or not. This procedure has been open since 1970 and so far we have received exactly three comments from teachers' organizations in addition to those attached to the government replies. Three is not very many when you consider all the grumbles we have been hearing today about the way governments fail to apply the Recommendation.

The secretariats prepare summaries of the replies received and send them to the experts. Following this, a draft report is prepared which is a synthesis of the factual material contained in the summaries. This is prepared to facilitate discussions of the committee because if it had to write a 150-page report in 10 days there would be complaints about excessive hours of work. These documents are examined by the experts

and then they meet, examine reports, examine the comments received from teachers' organizations, examine comments received from international teachers' organizations, examine replies they may have received from governments and they arrive at conclusions on them. These conclusions cover mainly the situation with regard to the implementation of different provisions or groups of provisions, the identification of problem areas and certain number of rulings on specific practices. One I would mention in particular which is of interest to a great many of you, is that the Committee of Experts ruled paragraph 84 of the Recommendation implies the right to strike for teachers. This is a right which is not specified in the ILO Convention on labour relations in the public service; this subject is not even mentioned. Under the Convention, disputes are to be dealt with by objective, impartial and expeditious machinery accepted by the parties concerned. But the Committee of Experts has gone one step further to say that paragraph 84 implies that teachers have the right to strike under certain specified conditions.

The Committee has produced a number of comments of that kind which illustrate how in their view the Recommendation should be applied. Their report and conclusions go to the Governing Body of the ILO and are eventually discussed at the Conference of ILO by the Committee on the Application of Conventions and Recommendations and a general conference of Unesco. After that, the ball is in the court of governments and the teachers' organizations, who look at the report and practices and decide what action they are going to take to get certain practices changed and to get other practices introduced. The Committee of Experts, like the joint committee, whose work we were discussing this morning, provides a consensus; that consensus is of a different kind from the negotiated settlements of the joint meeting, but it is a consensus of high-powered experts from different parts of the world, including developing countries, and their findings are discussed by the Governing Body and by the Conference. This gives them additional weight.

One other thing I should mention - a procedural aspect, the Committee of Experts works entirely on the basis of written submissions. So far it has not admitted any observers of any kind. It has wished to avoid being turned into a tribunal where an observer will make an accusation and the government will have to reply orally. It has preferred to ask parties for their written considered submissions as full, as detailed,

as well documented as possible, to consider the two peacefully, without being subjected to any of the pressures which arise in anything ressembling courtroom procedure.

The Committee has identified an enormous number of problem areas concerning the application of the Recommendation. I will mention a very few general ones. If I start talking about problem areas you will be here all night. First of all, not all governments reply. Governments which do reply are not always the same ones. Only 35 have answered all three questionnaires sent out over the last 12 years. The information is not always complete and is sometimes obscure. Where we have asked governments for information on trends we sometimes do not get it but the situation is changing as we build up information covering a substantial period of years. There are many provisions in the Recommendation, the implementation of which would require resources far in excess of those available to the countries concerned. This is particularly the case in the poorer developing countries. On the other hand, the Committee has pointed out that the implementation of a number of these provisions would cost little or nothing in terms of extra resources. And it has mentioned in this connection participation of teachers and their organizations in their determination of their conditions of employment, salaries, civic rights, recruitment policies, career policies, promotion policies, disciplinary procedures. Many of the provisions of the Recommendation on these points could be implemented by governments with little or no cost. There are other governments which recognize the need to expand their education services and which would like to apply the Recommendation but who are caught in a cleft stick of a low level of resources and an increasing school population. Some of them do not know how many school children they are going to have in five years' time. Again some of them do not have internal statistics so they cannot tell how many children of a given age will be needing education at a given time in five years. There are many other problems of a general character and some of a more specific character, but I think I have said enough and I will return the floor to you.

ILO IN THE FOREFRONT OF THE DEFENCE OF FREEDOM OF ASSOCIATION

W.R. Simpson, Chief, Freedom of Association Branch, ILO

Introduction to "ILO in defence of freedom of association"

It is a great pleasure for me to have the opportunity to speak to such a large number of distinguished representatives of the World Confederation of Organizations of the Teaching Profession as part of this WCOTP Post Assembly Seminar on the ILO. Your organization is no stranger to the ILO nor to the procedures, the standards and the jurisprudence of the ILO in the field of freedom of association about which, with your permission, I should like to say a few words.

I shall limit my remarks to the general questions of the supervision and control of the principles and standards in the area of freedom of association and to the mechanisms that are available in the ILO for the protection and the promotion of trade union rights. I should also like to take this opportunity to try to address myself to what is perhaps the most fundamental question of all, namely, how effective is the ILO in eliminating violations of trade union rights where these are found to exist? Is the ILO machinery for doing this adequate? Could the ILO be doing more - and how - to deal with the very disturbing trends that we have seen in recent years towards the ever-increasing incidents of violations of trade union rights in every continent in the world? For these are fundamental questions that people like you are entitled to ask. And they are questions that we in the ILO have a moral duty to ask ourselves every day. We all know about the United Nations Universal Declaration of Human Rights, the UN Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, all the resolutions and international conventions concerning freedom of association. But are these not just pieces of paper containing magnificient statements, statements of principle, without any practical action being taken to ensure that they are in fact applied in practice?

Let us first of all take a look at some of these texts concerning freedom of association. Take the one I just mentioned, the celebrated Universal Declaration of Human Rights of 1948, article 23 of which deals with the right to establish

trade unions and belong to them. Now without underestimating the moral influence of such texts it should be remembered that they do not impose any formal obligations in law, and cannot therefore be implemented through procedures or machinery set up for the purpose of seeing to it that they are applied. On the other hand, as far as the ILO is concerned, the ILO constitution also contains statements of principle on freedom of association, but which by reason of the insertion of these principles in the constitution itself have been interpreted as involving legal consequences not only for the organization but for the member states. But the most important texts or instruments from the point of view of constituting a solid basis for international action in the field of freedom of association are of course the international labour conventions dealing with this question. Now these fundamental conventions contain more precise principles and standards, and it is basically the conventions which bring into operation the procedures that have been designed and set up by the ILO to ensure the application of these principles and these standards.

Conventions are ratified by member states of the organization and ratification of conventions involves a dual obligation. First of all it is a formal commitment by member states to apply the provisions of the conventions. And secondly, it involves an indication of willingness on the part of these governments to accept a certain degree of international supervision of how these conventions are applied. Now you have all heard of convention no. 87, the basic convention concerning freedom of association. Its formal name is the Freedom of Association and Protection of the Right to Organize Convention adopted by the International Labour Conference in 1948, the famous convention no. 87 which, in ten short articles, lays down the very basic rules of freedom of association: the right of workers and employers without any distinction whatsoever - and that includes teachers - to establish and join organizations of their own choosing; the right of unions to organize their administration and activities without any interference by the public authorities; the right not to be dissolved or suspended by administrative authority; and the right to federate, to confederate and to affiliate with international trade union organizations.

This convention is one of the most ratified of all conventions having been ratified by 93 countries. In the following year - 1949 - convention no. 87 was supplemented by another convention, another very famous basic convention, no.98, formally known as the Right to Organize and Collective Bargaining

Convention 1949. This contains supplementary provisions providing for instruction against acts of anti-union discrimination and against acts of interference by employers. It also has another half to it, guaranteeing the promotion of free collective bargaining and voluntary negotiation. Again, this is another convention, a very basic one, which has received a very large number of ratifications, having been ratified by no fewer than 110 countries.

Now prior to the adoption of these conventions in 1948 and 1949 other conventions of perhaps slightly lesser importance had already been adopted in the field of freedom of association and this helped to pave the way to an acceptance in 1948 and 1949 of the broader regulation of trade union rights. More recently, in the seventies, we have seen the adoption of other very important conventions relating to freedom of association. Conventions dealing with the protection of workers' representatives in the undertaking, with the protection of trade union rights for agricultural workers and lastly the right to organize and the determination of conditions of employment in the public service.

The application of the conventions concerning freedom of association, like the application of all conventions, is followed by what we call the supervisory bodies of the ILO which, having examined many hundreds of cases over the years, have built up a vast body of jurisprudence. The two principal advisory bodies which are most regularly in operation are the Committee of Experts on the Application of Conventions and Recommendations and the committee of the Governing Body which deals with freedom of association - the Governing Body Committee on Freedom of Association - which is probably familiar to many of you.

Now what are the terms of reference, the functions and the composition of these two separate committees? First of all the Committee of Experts on the Application of Conventions and Recommendations is, as its name indicates, a body which has the function of examining the extent to which states which have ratified international labour conventions including those related to freedom of association, actually fulfil the obligations which they have assumed by the act of ratification. The Committee of Experts sits once a year in March and consists, at present, of 18 members - 18 independent members from various parts of the world, who are chosen by the Governing Body on the basis of their competence, their impartiality, their objectivity, and their experience, and the practice since the committee was set up in 1927 has been

for these experts to be chosen from persons with eminent qualifications in the legal and social field, university professors, members of the judiciary and experts in industrial relations. As for the functions of the committee of experts, their main one consists in the examination of reports supplied by governments under the ILO constitution, reports on the law and practice in the various countries i.e., the law and practice that is supposed to ensure the application of a ratified convention. The committee, having examined these reports, will point out to the government concerned the extent to which it appears that the position in each state is or is not in conformity with the terms of the conventions and the obligations which that state has undertaken to apply. The comments addressed to governments by the committee of experts take the form of observations which are published in the reports of the committee. The comments can also take the form of direct requests which are subsequently sent to the governments concerned by the office. So, we have on the one hand observations and, on the other hand direct request. There is a slight difference however, between these two forms. Observations are published and are used by the committee mainly where there are important points of principle involved or where more serious cases of non-conformity have been noted by the committee. Direct requests, on the other hand, call for further information to be supplied or concern problems of perhaps lesser importance.

Now what happens with this report of the committee of experts? The important thing that happens to this report is that it is submitted in June of each year to the tripartite committee on the application of recommendations and conventions of the International Labour Conference. The problems are discussed there in this tripartite committee, which of course is different from the independent committee of experts which formulated the report in the first place. These problems are discussed directly with the representatives of the governments of those countries in respect of which major discrepencies have been noted. This conference committee points out in its own report to the conference any cases which seem particularly serious, and whether to highlight certain countries in what are now special paragraphs of the committee's report. This often gives rise to very lively discussion or debate in the committee itself. It is in the conference committee and in the conference itself that one really sees how sensitive governments are to criticism of them in the performance of their obligations.

The constitution of the ILO also provides for two other procedures for the examination of specific allegations or complaints that the provisions of a ratified convention are not being effectively observed. In the first place, under an article of the constitution which you may have heard about, article 24, any workers' or employers' organization can lodge with the ILO what is known as a "representation" claiming that any given state is failing to observe a convention which that state has ratified. In the event of article 24 of the constitution being used, and in the event of a representation being received the Governing Body will be seised of it, will decide whether or not it is a receivable representation (this is mainly a question of form) and then the Governing Body will set up a committee of three - one worker, one employer and one government member of the Governing Body - to examine the matter in the light of whatever reply the government may give to that representation. Once this examination has been completed, the Governing Body may decide to publish the representation, along with the reply of the government and any conclusions which the committee may have reached on the matter. While this procedure under article 24 has been sparingly used, there have been recent, and fairly important cases concerning the observance, for example, by Czechoslavakia and the Federal Republic of Germany of the Discrimination(Employment and Occupation) Convention no. 111, and only this year another two representations were submitted, one against Norway and another against Turkey.

The second constitutional procedure is a more elaborate one and can be invoked by virtue of article 26 of the constitution under which any member state can file a complaint with the ILO alleging the non-observance by another state of a convention which both states have ratified. The same procedure can be initiated by the Governing Body itself either on its own initiative or on receipt of a complaint submitted by any government, any worker or any employer delegate to the International Labour Conference. This is a substantial power that is given to conference delegates, not just to government delegates but also to worker and employer delegates to the conference who can submit a formal complaint against a state which has ratified any convention if that convention is not being properly applied in that country. In this case, the Governing Body which will again be seised of the complaint may set up, if it thinks fit, an independent commission of enquiry to examine the case. Again this procedure, which is a fairly lengthy, heavy and expensive one, has only been used on a few occasions in the past and all of these cases have concerned the non-observance of basic human rights conventions. On

forced labour for example in the Portuguese African territories; on freedom of association in Greece in 1968/69 and on discrimination in employment and hours of work in Chile.

Once again however, like the representations I just mentioned there are two outstanding cases in which article 26 complaints have been submitted and a procedure has been recently engaged by worker delegates to the International Labour Conference - one last year and one this year. The one last year concerned Haiti and the Dominican Republic, and this year there was a formal article 26 complaint submitted by the French and Norwegian worker delegates against the government of Poland in respect of the alleged non-observance of the freedom of association conventions.

This brings me to the procedures of the Committee on Freedom of Association itself, procedures that were set up in 1950, i.e. after the adoption of conventions 87 and 98, in view of the very special importance which this organization attaches to the principle of freedom of association and to the application of this principle in practice. The Committee on Freedom of Association is a tripartite, nine member committee of the Governing Body - three/three/three - three worker, three employer and three government delegates with appropriate substitutes. This committee regularly examines at each of the three sessions of the Governing Body every year formal complaints of alleged infringements of trade union rights submitted to the ILO. What are these complaints and how can they be submitted? They can be submitted by one government against another. They can be presented by a national organization of workers or employers which has a direct interest in the matters complained about. They can be submitted by an international organization of workers or employers having what we call "consultative status" with the ILO. In other words, the ICFTU, the WFTU, the WCL and the International Organization of Employers. Or they can be submitted by other international organizations of workers or employers - it is for example, your own organization, WCOTP, where the complaint involves an organization which is affiliated to that particular international organization. In other words, the WCOTP could, for example, submit a complaint to the ILO, and it has done so, with regard to specific affiliates in specific countries against the government of that pariticular country. One point which it is important to remember is that this procedure is based on complaints against member states of the ILO, even against member states which have not ratified the freedom of association conventions.

The legal basis for this special machinery and the fact that it applies to all states irrespective of whether they have ratified the convention or not, is quite simple. It lies in the fact that the very principle of freedom of association is written into the constitution of this organization. This being so, states in becoming members of this organization and in accepting the constitution of the ILO are taken bound to uphold the principle of freedom of association. It is for this reason that the procedures are extended to all member states of the organization and complaints can be submitted against any one of them whether or not they have ratified the freedom of association conventions.

Since it was set up, the Committee on Freedom of Association has dealt with more than 1,100 cases, and in recent years there has been a very dramatic increase in the number of cases that have been brought before this committee. For example, in the years between 1975 and 1980 the normal case load of the committee was fairly steady at about 35 cases a year. In 1980 the case load virtually doubled, with 61 cases being dealt with. And in 1981 the previous steady volume of roughly 35 cases a year almost tripled, with 86 cases being dealt with and examined by the committee. The last meeting of the committee took place in May of this year with no fewer than 97 cases before it. The committee was able to reach conclusions in May in about half of these cases, the others being adjourned - and there always are a certain number adjourned - for lack of information or to await the replies to the complaints which had not yet been received from the governments concerned. Interestingly, from the point of view of the geographical distribution of cases these 97 cases concerned 33 different countries. Thirteen cases concerned the Americas - North America, South America and including the Caribbean. There were 8 cases concerning Africa, 7 in Europe (East and West Europe), 5 in Asia and one in the Middle East.

Now, what are these cases all about? What in fact forms the substance of any allegations which might be made? We in the Freedom of Association Branch have just carried out an analysis of some 250 to 300 of the most recent cases and we were particularly interested-and I think you may be too - and somewhat disturbed to discover that in almost exactly half of these cases there were allegations concerning the personal liberty and security of trade unionists, or more specifically, the arrest, the detention, the persecution, the exile, deaths and disappearances, police and military violence, and general insecurity of trade unionists. We were able to divide up the subject matter into four categories. The first one involved

the matters I have just mentioned. The second one involved issues of general unfair labour practices by employers, which appeared in about 30% of all the cases. Most frequently these unfair labour practices took the form of arbitrary dismissals, transfers of militants or strike participants, and so on. Sometimes, there were allegations concerning the refusal to enter into collective bargaining or to recognize a particular union. A third category, again representing about 30% of all the allegations, involved general government interference in the operations and general activities of trade unions. The main variety here is administrative dissolution or suspension of trade unions or the denial of official recognition, interference in trade union elections or the disqualification or replacement of trade union leaders, the violation of premises, interference in meetings, confiscation of assets, and so on. A fourth category, representing about 25% of the cases we examined, comprised cases where the state restricts the ability of unions to assert their interests through legitimate industrial relations mechanisms. That is to say, by impeding unionisation, or by regulating the right to strike, or by restricting collective bargaining in some shape or form. All in all, not a very encouraging picture, and perhaps all the more depressing when one considers that the complaints over the last seven years have involved no fewer than 72 out of the 150 member states of this organization.

So much then for the standards, the machinery, the trends and the substance of complaints. But what about the effectiveness of ILO supervision and its general impact in situations where difficulties are seen to arise? In the first place I do not think that it is any exaggeration to say that, with its unique method of adopting international labour conventions and the machinery I have tried to describe, the object of which is the thorough, objective and regular supervision of the effect given to ILO principles, and the vigorous way in which this machinery is used, the ILO remains in the forefront of international organizations. Its influence resides not just in the existence of strict supervisory machinery, but also in the pressure exerted by public opinion and by organizations of workers and employers at every level. It is an incontestable fact that the very existence of standards, and the existence of a system of control, has often led countries to amend their legislation and practice just so as to be able to ratify international labour conventions, and if you care to study reports of the committee of experts over the years, you will find that in literally hundreds of cases, important progress has been achieved in the acceptance and the

practical application of standards. But of course, it would be quite wrong to give you the impression that the results are always positive. There remain in only too many cases very serious divergencies between the law and practice of many countries in international labour standards in general and concerning freedom of association in particular. There is also the problem which we face in obtaining accurate information in particular countries and on the manner in which conventions are actually applied in practice. It is all very well looking at the legislation which might be near perfect, but the practical situation might be totally different, as you all know. To some extent this is overcome by using our own fairly large network of area and regional offices to obtain information. It is also overcome by the system, which is constitutionally provided for, whereby workers and employers' organizations have the possibility - and they use it - to supply comments on government reports which are submitted to the ILO in connection with the application of standards.

The work of the Committee on Freedom of Association has also produced some very positive, and sometimes even dramatic results over the years. For example, we know that many hundreds of trade unionists have in fact been released from detention or allowed to return from exile following, or as a result of ILO intervention. In fact, the ILO has only very recently been concerned with the fate of arrested trade unionists in no fewer than 25 countries throughout the world, and we have been informed of releases in many of these countries. We are also very concerned to ensure, in cases of arrest of trade unionists, that they receive a fair trial and that they enjoy adequate rights of defence. But once again, and so as not to give you the impression that the ILO is perfect, there are too many cases where progress is slow and minimal, especially in countries where the political regime in control can hardly be considered to inspire any kind of confidence that freedom in general, and freedom of association in particular, can be expected to be achieved from one day to the next. But if you look for example at countries like Greece, like Spain, like Portugal, it was only when these countries experienced a radical change of regime that previous ILO action in these countries had any marked effect. What action the ILO had taken, however, we know helped considerably in paying the way for the future. There are other countries, however, where major complaints were submitted several years ago which are still outstanding and which are still being examined by the Committee on Freedom of Association. Although

patient ILO efforts have led to the release in these countries of certain trade unionists and although certain changes in the legislation of these countries have been made , it may be a very long time indeed before we can see any substantial changes taking place in these countries to ensure greater conformity with ILO principles. Another major disadvantage of the procedures is the absolute dependence on the cooperation of governments in all cases. Suprisingly however - but it is true - by and large, the cooperation of governments is extended in these procedures. But sometimes there are delays on the parts of governments to send their observations or replies on the complaints made against them. To counteract this the procedures of the committee have been modified and refined on many occasions so as to accelerate the examination of cases, and we in the office are constantly trying to devise new techniques to obtain rapid responses and more accurate information in regard to these cases on the basis of which the committee can reach objective and accurate conclusions. In more serious or difficult cases where the allegations made are particularly serious, or where the committee feels that the information before it and supplied in writing by the complainant organization and by the government is inadequate, recourse can be had to what we call the procedure of direct contacts. Under this procedure the government concerned consents, as it must consent, to an on-the - spot visit by a representative of the Director General to examine the situation on the spot and to report back to the committee. This procedure has already been used fairly frequently and successfully. We have used this procedure of direct contacts in Bolivia, Uruguay, Argentina and more recently in the USSR, in Poland and, only three weeks ago, in Turkey.

Obviously these direct contact procedures have a number of advantages. First of all, they can be carried out quickly and inexpensively and, what is more important, they enable accurate information to be put before the committee, on the basis of which that committee can reach i's conclusions. In the course of these direct contact missions, obviously there are direct discussions not only with the authorities concerned but also with the representative organizations of workers and employers, following which the representative presents a detailed report on all of these contacts to the Committee on Freedom of Association.

Unfortunately, time does not permit a more thorough examination of all the problems, all the successes, the failures, the procedures and the work of the ILO in the field of freedom of association, but I hope that perhaps I have been

able to convey to you at least a rough idea of the manner in which the ILO bodies operate. What is perhaps of most significance in the field of freedom of association is that governments should have accepted and have generally agreed to cooperate in the procedures that I have tried to describe. They would not do so were they not convinced that in this tripartite organization they can be sure that complaints will be dealt with in all objectivity and impartiality and without any question, and I repeat, without any question, of double standards being applied. It is also a sign of the confidence of workers' organizations and employers' organizations throughout the world in the ability of this organization to bring about improvements in their situations or to help relieve pressure on them, that greater recours is being made to these complaints procedures.

There is one other important point which I think should be clearly understood and that concerns the reports themselves of the Committee on Freedom of Association. These reports are very often criticized. They are criticized for their diplomatic language and their apparently soft approach, even in cases where the most serious violations have occurred. But people, or organizations, who make these criticisms misunderstand both the role and the jurisdiction of the ILO supervisory bodies. The ILO is basically there to play a conciliatory role in labour matters and to assist in the resolution of problems where they have been brought to the ILO's attention. This is not to say that the ILO will not criticize. It will. The Committee on Freedom of Association will certainly criticize, the Committee of Experts will certainly criticize, and criticize very strongly in some cases but the outright condemnation of a government, while it might please some people, would not do much to help the trade unions in the country who have to live with that particular government. A condemnation in fact could well have the opposite effect. It has to be remembered that ILO bodies are not courts of law. They are not tribunals and their judgements cannot be enforced in any way. The main weapons that we have in the very often long and very frustrating struggle to ensure trade union rights and freedom of association are international public opinion and the sensitivity of governments in the face of international criticism. These weapons, believe me, have a far greater impact than is generally thought. As you all know very well, freedom of association is a domain which is intimately linked with the political and economic systems in a country and to human rights questions in general. It is a domain in which changes can only be made after very lengthy criticism, constant pressure and a great deal of patience and

perserverence. It is a domain in which the ILO risks running up against resistance from certain types of governments who often claim interference in matters of national sovereignty. In the face of all this resistance, all these problems and all these limitations, we think that it is all the more remarkable that positive results have been, and continue to be achieved through the operation of the machinery which I have tried to describe to you.

Mr. Chairman, ladies and gentlemen, I should like to take this opportunity of wishing the rest of your seminar every success and to thank you very much indeed for listening so patiently.

HOW TO PRESENT A SUCCESSFUL COMPLAINT

Michael Bell, Salaried Employees and Professional Workers' Branch, ILO

Examination of recent cases before the Freedom of Association Committee Concerning Teachers

It is rather difficult to take up this subject after the excellent and extremely comprehensive presentation given by Mr. Simpson. What I propose to do is to run very quickly through a few complaints which have come before the Committee on Freedom of Association during the past five or six years, all of them concerning teachers. Some of them were submitted by WCOTP, some by other teachers' organizations and some by WCOTP in association with other organizations. I will try to illustrate from these cases some of the points which the Committee on Freedom of Association takes into consideration when it examines cases.

We have first of all a fairly simple case. It concerns Senegal. It was submitted by the FISE (World Federation of Teachers' Unions). Some years ago that organization complained in rather vague terms that three leaders of a teachers' union had been arrested. The committee sent the complaint to the government, which replied. The government said those teachers were causing political disturbances and that the arrest had nothing to do with trade union activity. It also said that they were tried by the state security court and that they were sentenced under the ordinary criminal code for discrediting organs and policies of government. They were suspended for six months. The government sent a pamphlet which these union leaders had been distributing. The committee looked at the presentations and it pointed out first of all that whenever a teachers' union leader was arrested or any union leader was arrested, the government should be prepared to demonstrate that the arrest had no relation to trade union activity on the part of the person concerned. This theme comes up several times in different cases; the committee tends to take the attitude that where a union officer is arrested, it is for the government to demonstrate that that arrest was not connected with trade union activity. In other words the onus of proof lies on the governments. The committee also looked at the pamphlet and it observed that there were a certain number of passages in it which were certainly not within the framework of ordinary trade union activity; they were not concerned with the defence of the occupational interests of the members,

they were attacks on government policies which had nothing to do with teachers and nothing to do with trade unions.

It came to the conclusion that in the circumstances the arrest of the officials was not concerned with trade union activity. They decided to take the matter no further.

More recently there was another complaint, also from FISE, about Senegal which concerned the dismissal of union officials following a strike. The complaint alleged the break-up of a meeting of the executive committee; there was also a complaint that some of the officials who had been dismissed had been refused exit visas. The government replied that the teachers in question were removed from office not because of their trade union activities but because they had refused to hand in examination marks, and they had been refused exit visas only until the judicial investigation procedures had been completed. They also said that the teachers' union in question had refused to negotiate with the government, preferring to go on strike to enforce these demands rather than to negotiate about them. It said that not only had the teachers refused to hand in examination marks but that where they had handed them in they handed in fancy marks and sabotaged the whole examination process.

So the committee had several things to say about this. First of all it said that the sabotage of the examination process was not a defence of the occupational interest of the teachers. It also made the point - and this is another general theme which is constantly coming up in the conclusions of the committee and which illustrates the desire for conciliation which Mr. Simpson mentioned just now - if the initial grievance, the nature of which was not stated either in the complaint or the reply, had been dealt with by constructive negotiation according to the principles of freedom of association, then tensions might have been avoided. And it suggested as a measure of conciliation that the situation of the teachers penalized be reexamined with a view to restoring a favourable climate for negotiation.

One or two points I would like to make in connection with those two. First of all a vague allegation, unsubstantiated by facts, is going to weigh less in the committee's view than a considered, substantiated reply. In fact, as Mr. Simpson mentioned just now, some complaints are so vague that the complainant has to be asked to specify what exactly he is complaining about. Secondly, a connection must be made in a complaint between the action complained about and

trade union activities. If this connection cannot be established, then the matter does not come under the Convention on Freedom of Association.

Here is another one from the Dominican Republic, where the general central organization of workers alleged mass dismissals of teachers, including 100 officials of the teachers' association. The government replied that they were not dismissed; that they were suspended on grounds of professional misdemeanours; that decisions were being taken on each individual case; that many of the teachers in question were being reinstated; and that the review of other cases was continuing. Here the committee made again the point I mentioned just now that it is not incumbent on the committee to comment on questions of breach of contract by dismissal except where those dismissals appear to be acts of anti-union discrimination. This case was also set aside.

Here is a more substantive one. This concerns Australia and it was submitted by the Australian Council of Trade Unions and the New South Wales Teachers Federation. The allegation concerned not an act of anti-union discrimination by the government but legislation. The complaint was that the existing legislation on arbitration in New South Wales was in contravention of the principles of freedom of association as laid down in Conventions 87 and 98. The problem was that the arbitration machinery in existence in New South Wales was only competent to deal with salary questions and could not deal with other working conditions. Teachers were prohibited from striking and consequently they had no access to any kind of arbitration on matters relating to conditions of work other than salaries. They were paralyzed by the arbitration legislation on the one hand and the prohibition of strikes on the other hand. They also alleged that the New South Wales government had sought to have the New South Wales Teachers' Federation deregistered. And they noted in this connection the paragraph in the Unesco Recommendation concerning machinery for the settlement of disputes. The government stated in its reply that the union in question had been indulging in what they refer to as industrial wrong-doing on a continual basis and that any union which did that must expect that an application might be submitted to have it deregistered. In any case, said the government, deregistration was not a matter for consideration under Conventions 87 and 98 except as regards the body competent for deregistration. In this connection, the committee has on many occasions, insisted that where deregistration proceedings are begun they should be conducted, not by an administrative authority such as a ministry,

but before a properly constituted tribunal with adequate rights of defence for the union concerned.

The committee's views on this were that when public servants -- which teachers are in that country - do not have the right to strike then there must be adequate guarantees to safeguard the interests of the workers concerned which will make a strike unnecessary; and in particular there must be adequate impartial speedy conciliation and arbitration.

As a result of the committee's decision the government opened an inquiry into the possible extension of the jurisdiction of industrial tribunals to cover teachers. And it came to a certain number of conclusions. It indicated that a procedure existed and could be activated. Instead of having the matters dealt with by arbitration, there could be recourse to an alternative procedure of compulsory conferences between the parties which the industrial tribunal could order; matters other than salaries could be dealt with in those conferences. The government also stated that in view of the improvement of the conduct of the union they had decided to withdraw the application for deregistration. In this case the position action taken was clearly a result of the intervention of the committee.

Here is one concerning Japan and I hope the colleague from Japan will be able to tell me the end of this story because I do not know it myself. The case goes back to June 1974. The complaint was submitted by SOHYO supported by the International Federation of Free Teachers' Unions and WCOTP. The complaint was that in April 1974 the police raided the headquarters of the teachers' union, Nikkyoso, and its other offices all over the country, in connection with two short strikes, which that union had organised. It said that 17,000 persons were questioned and 20 union officials arrested. It also stated that there was machinery for the negotiation of the conditions of work but that it worked in such a dilatory fashion that the teachers' organizations had no option but to go on strike. A couple of months later, Mr. Makieda and certain other officials were arrested for organizing an illegal strike. The government replied that Nikkyoso was more of a political organization than an occupational organization, that one of its policies was that young people should be brought up in preparation to live in a socialist society. It also stated the trials were proceeding by normal process (but as Mr. Simpson said, they were not going very fast). The committee noted that public servants (including teachers) in Japan had not got the right to strike, so it made the same recommendation as for the previous case - that is, where there is no right to strike

there must be speedy, impartial conciliation and arbitration procedures with binding awards to settle disputes. It noted that the legislation on the public service had no such provisions and it went on to make another point which it quite often makes.

Mr. Simpson referred to over-reacting by a government. Here is an example. The Committee stated that it was not convinced that the imposition of sanctions following a strike must be considered inevitable. It suggested that excessive rigidity on the part of the authority in imposing sanctions was not conducive to good industrial relations between the parties and it hoped that the problem of the public service would be examined thoroughly and that eventually there would be the changes in law and practice which had been recommended ten years earlier by the fact-finding and conciliation committee which Mr. Simpson mentioned. It expressed the hope that the legal proceedings against Mr. Makieda and others would be speedily terminated and asked the government to report on what was happening. Now we have had regular reports from the government. The last report we received stated that Mr. Makieda's case was before the court of appeal. Perhaps our friend from Japan can tell me what the latest situation is with your permission, Mr. Chairman.

Mr. Nakakoii: Thank you very much. At the present moment the case is put before the high court and this is the second deliberation. The first ruling was a fine of ¥ 100,000 and a appeal has been made. The case is now being deliberated at the high court. It takes a long time in Japan, so the result I think will not be something which would let Mr. Makieda be imprisoned. But I would like to take this opportunity to thank you for all you have done and for the support you have given us.

Mr. Bell: I have many more cases here but I will describe only two quite recent ones: Morocco and Brazil. The complaint against Morocco was submitted by ICFTU, WCL, WFTU and the Moroccan Democratic Confederation of Labour and WCOTP and FISE were both associated with the complaint because teachers were affected. In June last year the Democratic Confederation of Labour put forward a series of demands to the government for a 50% wage increase, for a minimum wage, for guaranteed employment, respect for trade union rights, an end to dismissals and reinstatements. The government refused to discuss these demands with the Confederation and so the Confederation called a general strike. Following the general strike, trade union leaders were arrested, there was a good deal of intimidation

of workers, thousands of people were arrested and the World Confederation of Labour said that 600 people had been killed. It was also alleged that the trials followed a summary procedure and a number of death sentences had been pronounced, and the two teachers' organizations concerned provided specific information on the teacher trade union leaders who had been detained. The government stated that the strike was political in character and that a political party was associated with the organization of the strike. It also stated that that political party and the strikers committed acts of incitement to violence. It said that during the strike and the accompanying demonstrations 66 people had been killed and that most of them were police. It said that those arrested were agitators and instigators of acts of violence. It recognized that 2,800 persons had been arrested. It stated that 1,100 of those persons had been committed for trial and it stated they had full defence rights under the criminal code. It made a certain number of political allegations about the union's attitudes.

There is the complaint, which is a fairly substantial complaint, and the government gave a fairly substantial reply which meant between the two there was a fair picture of a certain number of things that happened. The committee did propose to send a mission to clarify certain matters but this was refused by the government. However, the committee did note that the initial demands which related to wages, employment and trade union rights, dismissals, were clearly occupational in character. It noted certain other things said by the government that all persons sentenced had a right to appeal and that a number of sentences had in fact been quashed by the court of appeal but it also pointed out that it was incumbent on the government to show that the arrests of the trade unionists were not connected with trade union activities. The case is still under consideration.

The other one I mentioned is a WCOTP case concerning Brazil. The complaint concerned the suspension of the activities of three teachers' organizations in Rio de Janeiro State by decree, the closure of their offices, the cancellation of their legal personality. The teachers complained among other things that they had no professional statute and that the public service regulations governing them were inadequate. They made some specific allegations that in 1971 a certain number of primary teachers had been given up-grading training to train in secondary schools but were still regarded and paid as primary school teachers on the lower salary scale. After a lot of negotiation with the public service on this and many

other problems, they put in a salary claim. After more negotiations, suddenly all the teachers' demands were refused and so they came out on strike.

The government stated that the strike was illegal but recognized that the teachers' claims were valid so a committee of inquiry was set up but eventually the government said,"sorry we recognize the validity of the teachers' claims but we have no more money". So the teachers came out on strike and then the repressive activities were taken. The government's reply was a very summary one. In fact it was practically an admission of everything alleged. All it said was that the measures had been taken because under decree, the number of which was given, strikes were forbidden in the public service and left it at that.

Here we have the case of a union which submits a substantive complaint and the government submits a very vague and dismissive reply. So the committee came to a conclusion straight away on this. First of all, it recalled its opposition to dissolution of trade unions by administrative action in particular under an enabling decree. It said that there must in all cases be judicial proceedings undertaken before a court of law where the union has an adequate right of defence. It considered it essential that the legal personality of the unions in question should be restored immediately. It asked the government to state what measures should be taken in this regard. There has been no reply yet.

Once again, where there is no right to strike in the public service, there must be adequate conciliation and arbitration machinery to protect workers' rights. And in the case of Brazil the Labour Relations (Public Service) Convention was invoked by the committee and this was one of the first occasions because the Convention had just been adopted. It also pointed out that conciliation and arbitration procedures would have helped considerably in preventing the conflict from arising in the first place and would have promoted more harmonious labour relations. It inquired (but there has been no reply so far) whether machinery to facilitate such negotiations in conciliation and arbitration existed.

WORKERS' EDUCATION PART OF THE CONTINUING EDUCATION PROCESS

V. Agostinone, Workers' Education Branch, ILO

The needs of individual member organizations - how can ILO help

There are some points that have been raised in the group discussions that certainly Mr. Bell and myself would like to respond to. They involve not only the ILO but specifically what we are doing in the Workers' Education Branch. There are some that I, as a member of the Branch, am not directly concerned with but which certainly are of general concern to the ILO and ILO officials. I will try not to cover again all the points and all the ground that has been covered by the rapporteurs of the three groups but I will try to comment on one or two points that I feel most important from our point of view in workers' education.

One recurrent theme has been that of the ILO advising and supporting trade union national centres, rather than individual unions, including large teachers' unions, which are not affiliated to national centers. We are quite aware of this. This is one of the criticisms and one of the requests or demands that we often hear. Of course, someone mentioned the ILO's limitations. One of our most serious limitations is that we have at our disposal very scarce technical, human and financial resources. If we in workers' education, the ultimate purpose of which is to strengthen the trade union movement and its ability to fulfil its tasks on behalf of workers, were to hope to be able to provide the necessary aid to all unions that really need our assistance we would find ourselves in an impossible position. The need for education, the need for workers' education and for ILO assistance in workers' education is practically inexhaustible. We very often say, and you as teachers will remind us, that education is a permanent process, that one learns throughout a lifetime.

We have discussed internationally and nationally the problems of continued education, and workers' education is certainly part of the continuing education process. But unless we tried to concentrate our resources and work through some kind of structure that in most cases represents all workers, like national trade union centers (and in many countries there are several national trade union centers), and tried instead to respond to and to satisfy the needs of a large number of

individual unions, we would find that our current resources would be frittered away in a myriad of small projects. Of course we are quite conscious of the fact that teachers are not only in large numbers but they are highly organized. Unfortunately in most cases they are not affiliated to national centers. There are many good reasons why they are not in some countries but at the same time this does not help us to identify these unions and cater for their education needs. We would like very much to be able to obtain more information about teachers' trade unions through international organizations of teachers' unions and through individual unions themselves when they are organized nationally. It would be hopeless to try and identify all local teachers' unions at the provincial or state level. We must try and concentrate on national teachers' unions, hopefully even if they are not affiliated to national centers.

But it is not correct to say that our activities are limited, because of our own statutes, to industrial workers. We are not limited to industrial workers as we are not limited to rural workers, and certainly we are not excluding teachers from whatever activities we can develop to assist trade unions. Still the reasons for teachers' unions not being affiliated are very many and sometimes we find situations where the mainstream trade union organization in one country may have problems with the teachers' union because of political or other reasons. There we find difficulties doing things that may be construed by one group or the other as discriminatory, or sometimes even as an undue intervention of the ILO in the domestic situation of a country or of a labour movement.

There is another point which I think interesting from the point of view of the ILO in general. That is the suggestion to introduce teaching about the ILO in schools. There I am afraid you might find some serious problems. I am not sure that all governments, given the fact that most education is public education, would be prepared to open their school curricula to questions of freedom of association, of trade union rights, of workers' rights, at least in the form that the ILO conceives of these rights. Another point, a similar one, was the limited effectiveness of the ILO as an intergovernmental organization. We may be intergovernmental basically, but we are tripartite in structure and action. We are the only U.N. organization in which workers and their legitimate representative organizations participate fully and directly at the level of the International Labour Conference, the Governing Body, the activities of the industrial sectors, branches and so forth, and of course all education or other

technical meetings. So that while we may be limited in someone's eyes by the fact that governments and employers are also represented on the ILO and participate in the ILO activities, I am afraid the ILO would become just one more international trade union organization if it were limited only to workers and not open also to governments and employers. There is very much that can be done through tripartism, and there is very much that governments and employers can be made to accept through tripartism, and not only workers.

Finally a point was raised - two points rather: one is how could the procedures be expedited to present, discuss and resolve complaints by workers for violation of workers' rights and basic ILO conventions regarding trade unions and workers. This is constantly being discussed and is one of the most complex problems faced not only by the ILO but by the trade unions themselves. We have a constitution which workers' representatives have participated in establishing and I think the workers' organizations would be the first to protest any infringement of its constitution by the ILO or if you will by the ILO bureaucracy, if we tried to take short cuts and not apply the constitution. The same, also a constitutional matter, is the matter of how the national delegations and workers' delegations are composed which participate in our International Labour Conference every year. The principle as you know and as it is stated in the ILO constitution is that the most representative workers' organization in each country should be invited by its repsective government to designate the worker member of the national delegation to the conference. At the same time, of course, we try to impress on workers' organizations - you can be sure the ILO points this out every year to workers' organizations - that the technical advisers who will accompany the worker delegate should be conversant with, or possibly experts in at least some of the issues which will be debated at the conference. We would certainly hope, although we cannot be definitely sure, that if at any of the annual conferences issues concerning teachers were included in the agenda, then every worker delegate would take along with him at least one adviser who is fully conversant with teachers' problems, in fact a representative of a teachers' union, to sit on the committee dealing with particular questions affecting teachers. But this is not something that we can control. It is not really a matter for the ILO to decide. The most representative national trade union organization, in many cases a national center, will have to make the choice.

These are my comments and I am sure Mr. Bell would have been able to respond much more effectively than I to some of the questions raised. But before I close, I would like to say that we in the Workers' Education Branch work with unions in supporting their own efforts to develop and improve educational activities. We work on the basis of the principle that workers' education and the training of trade union leaders are matters for the trade unions themselves. They are the ones that know and can best appreciate what the content and the extent of their own trade union training activities should be. It is not for the ILO to tell them or to define their policies in the field of education.

Our own activities in support of trade union education and the trade union programme are established by a panel of consultants on which trade union educators from all regions sit and decide what the ILO should do and how it should do it in support of workers' education by trade unions. This of course includes teachers' unions and in fact I think we would be extremely pleased if we could count more on teachers' unions' support for the ILO's educational activities. After all you are educators and you are trade unionists at the same time and I think it would be a very interesting subject for discussion at perhaps a future seminar of yours or a future event of ours, what contribution teachers or teacher trade unionists could make to workers' education. I am sure that you are all involved in adult education activities. Apart from your own profession as teachers of children or students of different ages, you are perhaps also involved in adult education. Workers' education is certainly a part of adult education of great interest to your own organizations. I think it would be interesting if we could put together some special event where we could talk about the contribution of teachers' unions to trade union education on behalf also of unions from other sectors and branches, including of course industrial workers' unions. Perhaps the ILO might be able to say something about this and perhaps itself ask for some support and participation of teachers' unions in ILO workers' education activities.

We help unions by giving them advice on the organization and development of workers' education. We give them support, we provide them with experts or people knowledgeable in the various subjects discussed in workers' education activities, and we also, within our very limited resources, provide financial assistance through scholarships and other means to workers' education activities conducted by trade unions. Especially we try to help unions set up permanent workers' education centers and institutions so that workers' education

and trade union training are no longer or are less and less just a matter of sporadic activities here and there - one course here, one seminar there, one or two conferences a year - but become recognized functions and primary responsibilities of a trade union center or a national union, including teachers' unions. Thus you will yourselves in your unions have available and make use of better trained organizers and better trained researchers and better trained teachers to strengthen your unions and make them more effective, make members more active participants in trade union life and finally face your employers with better prepared briefs and certainly better trained negotiators and members and leaders who are better capable of running their unions and promoting their ideals and their aspirations.

THESE ARE OUR SPECIFIC NEEDS - HOW CAN ILO HELP

PANEL DISCUSSION: REGIONAL REPRESENTATIVES

Tom A. Bediako, Africa

Most African States with the exception of a few countries like Nigeria, Senegal, Gambia, Zimbabwe are either one-party states or military-bureaucratic and populist regimes. Furthermore there is some instability in some of the countries. For example, since independence in 1957 in Ghana there have been 4 military take-overs and three civilian governments. The nature and perceptions of the different governments therefore tend to have great impact or influence. Teachers' organizations in some African countries are an integral part of the ruling party through the national trade union centers and therefore have close relations with the governments. Secondly, the nature and functions of labour relations systems in some of the countries are in their developing stages. Some have developed far ahead of their socio-economic environments in the countries concerned. Moreover workers' organizations in some countries were in the forefront of the liberation struggle and are expected to be partners in nation building. So one can count a number of strategies for teacher involvement in political systems. Furthermore, many teachers' organizations in English-speaking countries like Ghana, Gambia, Kenya, Zimbabwe are not affiliated to national labour centers. In some countries teachers who are civil servants or public officers are not allowed to join trade unions and therefore have no collective bargaining machinery. We do what I call "Collective Begging" instead of Collective Bargaining. Laws are in some cases silent over the right of strike and declarations of trade-disputes. Despite these difficulties, a number of teachers' organizations are a force to reckon with in their countries. This has been possible through various programmes sponsored by National, WCOTP and other International organizations including ILO and Unesco. But it is true to say that there is a general lack of information on the nature and functions of ILO, Unesco and other UN Agencies who are supposed to protect and defend workers.

Until recently teachers' organizations who are not members of national labour centers were very ignorant of the activities of the ILO and other related activities. Owing to lack of knowledge of ILO Conventions and of the machinery for seeking redress, some violations are not even identified by some of us as violations. Some teacher-leaders even accept that

governments as employers have absolute power to determine not only our conditions of service but even the nature and functions of our unions, and tend to accept the paternalistic role of governments and their agents as well as political parties.

The first need of many teachers' organizations is therefore information on the nature and functions of ILO and the existence of the various Conventions which spell out accepted standards. Some of us are not even aware of the fact that there are ILO sub-regional offices in our countries. We do not participate effectively in the National Commissions of Unesco, or are denied access to these committees or activities of the ILO. It is therefore necessary that ILO and other bodies should assist in giving general information and training to teachers and teacher-leaders for us to appreciate and better understand the activities of the ILO.

Special seminars and workshops should be sponsored by ILO in collaboration with WCOTP, national labour centers and teachers' organizations for teachers and other public servants.

As part of our preparation of teachers and students for working life, we should include some basic topics on fundamental human rights and labour relations systems. To this end it is suggested that ILO in collaboration with WCOTP and organizations should prepare an information book which could be used in our educational institutions and training programme. Some teacher leaders lack the necessary skills for the organization and management of the affairs of teachers and other workers. Techniques for negotiations are minimal and we tend to throw in the towel at the first blow, threat, or sign of resistance by governments and other employers. Special training schemes would have to be encouraged or sponsored by ILO for teachers.

Specific research and studies on problems of teachers and other public servants should be intensified and findings be widely distributed for actions by unions and governments. Even though ILO has initiated some action on problems of teachers, it appears that problems of other groups tend to overshadow those of teachers and not enough experts and information are in the regional offices of ILO in Africa. I have been to two offices of ILO in Africa where there were no copies of the Recommendation on the Status of Teachers. In one case the most senior officer appeared not to have an idea of what is contained in the document I was referring to. I accept the fact that it may be impossible for ILO to deal directly with national teachers' organizations, especially those

outside the labour centers. But it is strongly suggested that the various international and regional teachers' organizations be used as communication channels in this respect.

WCOTP and other bodies should request ILO to allocate some of its fellowships to teacher leaders in Africa and other continents to enable them to benefit from the various training programmes.

Another area of concern of workers' organizations is how to meet the basic needs of their members - food, clothing and shelter. Although through Collective Bargaining teachers and other workers have had improved conditions of service, it is true to say that we have been involved in a game of mirage. Not only the quality of life of teachers and other workers is deteriorating, their work is gradually being dehumanized. Teachers' employment conditions are far from satisfactory. It is now very clear that workers' organizations should supplement their incomes and improve upon their conditions through their own efforts, through the establishment of multi-purpose cooperatives, rural community projects, family life education. I submit that ILO should intensify its training and education programmes at the grass roots level and encourage the participation of teachers. It is becoming abundantly clear that collective bargaining procedures are being subjected to all sorts of attacks through laws and regulations. ILO should therefore intensify its efforts.

Lastly I wish to emphasize that ILO can do little or nothing without the initiative from teachers' organizations and WCOTP. It is not the business of ILO to be nosing around. It is our responsibility to take the initiative and to bring to the attention of the ILO and our international organizations like WCOTP the needs and problems of our members - especially our education and training programmes, and requests for publications and expert knowledge that will help us build viable organizations.

Fernando Hernández Díaz, Latin America

In Latin America the political situation determines to a great extent the actions that can be taken by unions, so of course we can't expect to have the same situation as that in democratic countries. Many of our countries are under military dictatorships. In the countries where it is possible to set up unions and affiliate them to workers' unions, if this does produce positive results, this is excellent, because in this way the organizations can have access to the information provided by ILO to the workers' unions. Unfortunately, in some countries, the teachers' unions do not deem it convenient to affiliate to trade unions. So we recommend that ILO give WCOTP the consultative status given to other international confederations.

We think it would be advisable for the ILO officers to think of what sort of machinery could be used to accelerate the submission of complaints. We think also that WCOTP together with ILO might draw up a guide for drafting complaints and circulate it among the different teachers' unions. We think that ILO should increase the exchange of information, and point out the violations of rights on the part of authorities in Latin America, and then persecution of teachers, to teachers' unions in the developed world. We also suggest that given the fact that contraventions of workers' rights in Latin America take the form of political persecutions ILO should find a machinery to help those teachers who are persecuted for their trade union activities. We of course know that the ILO as an intergovernmental organization has certain constraints but we feel that in all the diplomatic channels available to the ILO it might find a way to put some pressure upon governments to free our teachers.

We consider it very important that ILO carry out a special study on inflation in Latin America, and on salaries, and that these studies and their conclusions and recommendations be circulated in Latin American countries.

Aloysius Mathews, South and South East Asia

Until about five years ago, teachers and teacher organizations in the Asian region were generally ignorant about the Unesco Recommendation. After Mr. Horace Perera began to operate in that region, teacher organizations began to be aware of the existence of this document and more and more of them have used it to better their conditions. In spite of the work that WCOTP is doing in the Asian region, I am of the view that ILO can play a part. Firstly, it could try to find ways and means by which information on ILO Conventions and similar documents could be disseminated, especially to teacher organizations which are not affiliated to the national labour centers. I can quite safely say that in at least 80 per cent of the countries of the traditional Asian region the national centers do not have a copy of the 1966 Recommendation. I know that very few national centers have discussed this question or given teachers an opportunity to discuss it. I think ILO must look into the possibility if necessary of changing its policy to make sure that the large number of teachers and teacher organizations outside the fold of the national trade union centers have their voices heard, and are brought to the ILO platforms when questions of teachers are on the agenda of ILO meetings.

Secondly, we are aware that in the Asian region ILO has a number of educational activities for trade union leaders. As far as I know these programs are solely for organizations or trade unions which are affiliated to national centers. I think they are conducted by the Education Branch of the ILO. They seem to be restricted to industrial workers. But we have 30 million teachers in the world, if I am not mistaken in my figures, and we have a large number in Asia, many outside the field of the union centers. They should not be neglected. ILO has a responsibility to ensure that these teachers also get that aid.

Thirdly, teachers in the Asian region face the problem that when teachers' questions were discussed by the ILO, because teachers' organizations are not affiliated to the national centers, they are not represented in delegations to the ILO. I think that the ILO must devise some means to ensure teacher

representation. National trade union centers, when they send delegations from a country, should be advised to include at least one teacher when on the agenda of the ILO we have teachers' questions. I think this is vital and necessary. I don't think that industrial unions can represent teachers and discuss and make representations.

Perhaps ILO should seek the assistance of Unesco in trying to include the topic of ILO and its activities in the school curriculum, so that children who are potential workers would know their rights and responsibilities. This is a suggestion which was discussed in one of the groups where the majority of the members are from the Asian region.

My last point is that in the Asian region, in almost all countries, there is a multiplicity of teacher organizations, and also large sections of the teaching community which are not members of teacher organizations. They are unorganized. We are of the view that the ILO in its technical programs should try to assist these small teacher organizations in the various skills of collective bargaining and negotiations, and also try to do whatever it can to build up strong organizations to bring teachers into the main stream. We can talk about ILO Recommendations and Conventions and what have you, but the main battle in the implementation of the Conventions and Recommendations must be fought on our home grounds. To do that we need strong influential teacher organizations, and in the building up of these teacher organizations we believe the Educational Branch and other sections of the ILO can contribute. Thank you very much.

PANEL DISCUSSION: ILO REPRESENTATIVE

Michael Bell, Salaried Employees and Professional Workers' Branch

There is very little I want to say that Mr. Agostinone has not said for me but I would like to mention one or two points. We have been asked for gifts to teachers'organizations or good offices in securing financial assistance for teachers' organizations. Mr. Agostinone mentioned that the ILO is short of a lot of things. One thing we are terribly short of is money. You might not think it by looking at this palatial hall, but our budget is less in real terms than it was in 1976 and we are having to operate on a very tight budget indeed. We have to get the maximum value for us and for our constituents, that is you in particular, out of every cent we spend. Now the organisation of a programme of aid and assistance and advice and training to teachers who are not affiliated to national centers would be an extremely cumbersome and expensive process but there is one thing that any teachers' organization, whether affiliated to a national centre or not, can do. It can write in to the public information service and ask to be put on the list of recipients of the press releases. It does not cost anything and it keeps the organization in touch with what the ILO is doing. There won't be that much about teachers all the time but there will be a lot of interesting items on such subjects as freedom of association, ratifications of conventions; there was a question this morning about Convention 154 on Collective Bargaining; there is a press release out today that says that it has come into force because the first two ratifications have been registered. Another item in there which illustrates the impact which the ILO's "softly softly" approach has - since 1964, thanks to the work of the Committee of Experts on the Application of Conventions and Recommendations there have been 1,500 changes made by governments in their national legislation in order to bring that legislation into line with conventions. 1,500 successs is quite an achievement I think over a period of 17 years; it is nearly 100 every year.

The information process is of course, or should be, a two-way one. If we send information to unions, we would like to have information from them. If any union would like to send us its union journal, we would be happy to see it because then we know the problems the union is having. We do receive union journals from several of the unions who are represented here

today and we are very interested to see how a problem in one country presents itself to a union in another. And, we read them and we take cuttings and we keep the cuttings and when we are going to write an analysis, we look through the cuttings to see what sort of clues we can find. They provide us with very precious leads to the problems of teachers, and teachers organizations to which we should be giving priority attention.

Mr. Hernandez spoke about consultative status for WCOTP . Now the WCOTP already has a consultative status. There are two kinds of consultative status. One kind is only given to six organizations. They are the three apex organizations of workers, ICFTU, WFTU, WCL, there is the International Organization of Employers, there is the International Agricultural Producers' Federation and there is the International Cooperative Alliance. They are all apex international organizations, and the three concerning workers cover workers of all categories. It has not been the ILO's policy so far, although this may change in the future, to extend the same consultative status to organizations of workers representing a particular category of workers. This may change in time but in practice the main difference is that the workers' organizations with the top category consultative status get invited to all the meetings and the others get invited to meetings which are of concern to them. They are asked first whether they are interested. If they say yes then the Governing Body usually invites them. In practice, the difference is minimal and possibly even non-existent. The consultations between WCOTP and ILO in practice have been very close and getting closer as long as I have had anything to do with them and from the reactions we have had from you I think they will get closer still.

A suggestion was made about advice on procedures for the preparation of complaints. I can see that Mr. Simpson is going to be swamped. We were talking about this just before it was mentioned. There does exist a guide which will lay out the basic steps on how to make a complaint to the Committee on Freedom of Association. We are going to send copies of this to WCOTP in Morges and if you feel moved to make a complaint to the Committee on Freedom of Association, you can write to WCOTP which will be only too happy to send you a copy, or you can write to ILO, but WCOTP will have this information at its disposal.

Can I mention one other complaints body. This is the Committee on Discrimination. This is not the same as the Committee on Freedom of Association. It was set up originally to supervise the ILO's programme of work in the field of discrimination. During the last few years it spent most of its working time on the subject of apartheid. But it does offer one possibility of raising an issue on which workers' organizations are dissatisfied. This is what is called the special study. A workers' organization with a direct interest can write to the ILO and ask the Committee on Discrimination to organize a special study in the country in which it is located on some aspect of discrimination. I am thinking of the discussions you were having last week on the position of women and discrimination against women. It could be that a national study of this kind might throw some light on the factors which contribute to what appears to be a discrimination of practice against and the origins of those factors. If the government in question will agree, then the special study can be organized. The procedure has never been used but it exists and is open to trade unions and you may like to give some thought to the possibility of using it in particular cases. It is not a complaints procedure, it is a fact-finding machinery.

DEFENCE OF INDIVIDUAL AND COLLECTIVE RIGHTS OF TEACHERS A MAJOR WCOTP GOAL

Norman M. Goble, Secretary General, WCOTP

WCOTP work - global and regional - in defence and improvement of teachers' working conditions

I would like to try to focus our discussions of the last two or three days by identifying a few essential points upon which I think it is necessary for us to agree.

One of the principal goals of WCOTP is to ensure the free exercise of the necessary individual and collective rights of teachers. WCOTP does not, however, function in a vacuum. It cannot and must not invent, or create from its imagination, the objectives of its activities. It must find its starting-point in the real world of the teacher, in the needs and problems of the men and women for whom the Confederation was created, whose money keeps it in business, and who trust it to protect and promote their interests.

That is to say that the work of WCOTP must be shaped by the needs of teachers as interpreted and communicated by their national organizations. We exist to serve our member organizations and no one else - no other organization, no political party; and our member organizations exist to serve teachers. We are required, therefore, to have a clear and up-to-date concept of what the essential rights of teachers are.

"Right" is a difficult word - easy to say, hard to define. I might say that I have a right to be here. If you ask "What right?" I have to explain. I was asked to do this by the planners of the conference. The people at the ILO raised no objection to my coming into the building. This is part of the job that I was hired to do. I need to be here to do my job properly.

You see what difficulties I am already encountering? I start by mentioning a right, and here I am talking about what other people decided, or permitted, or agreed to, and about what I think I need.

I have used this example to illustrate two points. The first is that a "right" begins by being a need. If we want to claim a right, we must begin by describing very clearly and carefully, in our own minds, what it is that we think we need.

The second point is that a right does not exist until we have persuaded other people to agree that it exists - or, to be more precise, until we have induced powerful people to give way, or to agree to limit, some of their powers. There has been much nonsense talked, throughout history, about "inalienable" rights. The bitter truth is that there is no right, however fundamental - not even the right to life itself - that has not, at some time, in some place, been denied to some people. Rights do not come automatically, merely because we want them. They are not given away free. They exist only when they have been defined, when they have been agreed to, and when some kind of guarantee of their continuance has been established.

That process - definition, agreement, guarantee - is the basis of democratic societies. To cause it to happen is the task of our organizations. Our mandate is to define rights, to obtain the agreement of those who have the power to obstruct or to acknowledge them, and to secure guarantees of their observance.

I suggest to you that the needs of teachers exist, and therefore rights must be secured, on four levels.

Firstly, as workers, as employed persons, we need, and have the right to demand, fair remuneration - fair in terms of the social importance of our work, the level of our qualifications, the earnings foregone in acquiring those qualifications, and other generally recognized criteria of equity. We also need, and must therefore claim a right to, security of employment. Teaching is a specialized occupation. Its skills, as was remarked in the synthesis of responses to the theme of the 1982 WCOTP Assembly, are not readily transferable to other occupations. Most of us are employed by state monopolies. Governments can transform our job markets, or render our credentials obsolete, with a stroke of the pen. Being thus exceptionally vulnerable, we must claim the right to exceptional protection.

We need a reliable process to ensure - to guarantee - fair treatment in these matters. That is why we claim the right to collective bargaining, and demand guarantees that the process will take place freely and that the outcome will be respected. That is why we claim the right to organize, to consult among ourselves, to present grievances and have them heard, to withhold our labour or obtain impartial arbitration.

Secondly, as workers, we need, and claim a right to, a healthy working environment. The factors that threaten a teacher's health are not well understood by the general public. Our occupational disease is stress, in its various physical and psychological manifestations. Some of the causes of stress are outlined in paragraphs 33 to 34 of the Report on the ILO Joint Meeting. Other causes include the sustained nervous tension involved in being constantly the dominant personality among a crowd of energetic young people, controlling a situation that has the constant potential for becoming disorderly, even chaotic, and the strain of anxiety about achieving success.

The only answer we know at present lies in numbers - restrictions on the numbers of pupils or students in each class and in the teacher's day; restrictions on the number of hours of duty. We need such restrictions to be guaranteed, therefore we must claim the right to negotiate conditions of work.

Thirdly, teachers are employed as workers in a unique profession. Here the often argued distinction between the concepts of "worker" and "professional" breaks down, and is seen to be unreal.

That argument has been confused by the persistent use of inappropriate analogies. Some people demand that we follow the model of industrial unions. But their function is to obtain a fair division of the profits of an entreprise. Its individual members may take pride in their craft and their skills, but the union, collectively, does not seek responsibility for deciding what the product should be, or for its quality, or for the satisfaction of the customer. In contrast, the teacher must constantly exercise that kind of judgment, feel that kind of concern and the union or association must be aware of that and support the teacher with appropriate policies, activities and services - otherwise it will fail in its essential goal of promoting job satisfaction.

Others would have us look to the model of some other professional group - doctors, or lawyers, or engineers. But those are people who are brought in to deal with a single incident, to solve a problem, right a wrong, or heal a hurt. Their concern is with the situation; their involvement with the client is minimal. In contrast, the teacher works through maximum involvement, through prolonged encounter, saying, like Everyman in the medieval drama: "I will go with thee and be thy guide, in thy most need to be by thy side".

We must not confuse ourselves with irrelevant comparisons. We have no identity but our own. We need an environment, and conditions of work, in which that identity can fulfil itself. We have a right to an environment in which we have the possibility of freely and successfully practicing our unique profession, to our satisfaction, in the way that we believe to be best. We need a high degree of professional autonomy, and must claim the right to negotiate collectively to obtain guarantees of that autonomy and the supporting services necessary for its full exercise.

Fourthly, we can only find satisfaction and fulfilment if we feel that what we are doing is valuable - of value, that is to say, to our clients, the pupils and students in our care. We need to be able to ensure that it is so. We must therefore claim the right to participate in setting goals and objectives, designing programs, and shaping educational policies. We must claim the right to act collectively to influence public policy and budgetary allocations.

Let me repeat that there are three stages in securing a right. The first is to define our needs. The second is to obtain agreement to a sharing of power; and for that we need to exercise collective strength through collective bargaining. The third is to obtain guarantees: to have grievance procedures set up, to secure rights of appeal, and to defend these by the exercise of vigilance and solidarity.

We must have the right to conduct these activities collectively, freely, through organizations of our own choosing.

What is the role of WCOTP in this?

At the basic level, it will help its members to define their needs and their rights, through meetings, workshops, advisory services and publications.

In accordance with differing needs in different regions, it will then undertake some combination of two types of activity. The first is to help its members to develop the skills and capabilities needed to define their own targets; to conduct necessary studies - analyses of salary scales, for example, or of fringe benefits and total compensation packages; to negotiate; to plan and prepare for representations to governments - which may involve such techniques as analyses of budgets and public policies. Specific methods will include the organization of workshops and conferences, assistance in the organization of unions and associations, and training programs for key personnel. The second is to encourage

activities designed to strengthen solidarity and the political will, in support of the effort to obtain recognition of rights. This will include a constant effort to build a sense of solidarity in the Confederation, so that all members will feel the obligation to come to the help of each one that is in difficulty, and each one will feel the obligation to support the overall effort.

Next, in its own particular domain, the international field, WCOTP will press for the strengthening of those mechanisms that exist to guarantee the rights that have been agreed to among nations.

If you have any doubt about the need for that, the arrest of 26 more teachers in El Salvador a few days ago will serve as a reminder that without guarantees, rights are meaningless. The recognition and guarantee of rights are basic to civilisation, the surest signs of enlightenment. The denial of rights is the mark of barbarism and degeneracy. Outrage after outrage is being committed against the individual and collective rights of teachers, and it becomes harder and harder to be optimistic about the survival of democracy. It is essential that WCOTP with the full and active support of its members, exert the strongest possible efforts to promote the effectiveness of organizations such as the ILO, and to ensure that the defence of our rights, based on the needs and problems of over seven million teachers, receives the priority that it deserves.

THESE ARE OUR SPECIFIC NEEDS - HOW CAN WCOTP HELP

PANEL DISCUSSION: REGIONAL REPRESENTATIVES

Joeli Sovaki, South Pacific

In the Pacific Region there is a great need to reemphasize the importance of WCOTP and its affiliates in promoting the formation of teacher organizations, where there are none.

Second: in terms of effectiveness, there is a need to continue and implement the formation of a Council of South Pacific Teachers' Organizations as a force to bring this into fruition.

Third: there is a need for WCOTP to continue to work towards the formation of confederations and federations in the region. I cite the example of my own particular federation, the Fiji Teachers' Confederation, which has been the result of work by the WCOTP representative in the Pacific region, and has come to be realized after 18 years of effort.

Fourth: there is a need for WCOTP through its national, subregional and regional affiliates to adopt a system of continued education of their members on the contents of the ILO Conventions 87, 98, 151, 154 and the Unesco/ILO Recommendations. This can be done through seminars.

Fifth: there is a need for WCOTP in conjunction with the ILO to continue with perhaps greater emphasis and regularity the good work of informing individual governments of the international status of the above Conventions and Recommendations, and also to carry out a continuous monitoring of the level of application of these documents.

Sixth: there is a need for WCOTP to help teachers' organizations to join national trade union centers, where they are allowed to do so. This help could be in the form of emphasizing to the national trade union center the importance of giving the right of freedom of association.

Cheick Sadibou Diagne, Africa

In most African countries illiteracy is still a problem. The unions can help the governments to fight illiteracy. Effective unionism means the fight against illiteracy as well. I would ask WCOTP to keep permanent contact with all organizations thus engaged. Once experts go into Asia, Africa or Latin America, they should take up contact with the national ministries and perhaps even with the Head of State. There are many possibilities in having contacts with Governments and getting the official view.

The brother from Swaziland spoke of footwear, which sounds bizarre, but you do need shoes in order to get around. You need cars; you need office supplies; you need equipment; you need even a printing shop, as was mentioned by Togo. Written communication counts. Some countries have television, but we need journals, we need bicycles for communication. Then there is the problem of means. People that have difficulties in feeding their dependents can hardly be asked to furnish substantial contributions.

I would like to ask the Secretary General and brother Viélot to do everything they can to create unity and union among the various trade union organizations of the same continent and also across continental boundaries, because other unions are watching what we are doing. Finally, Madame Chairman, I would ask you to convey to the WCOTP the request to do everything it can to promote lasting peace, because everything that has been done is built on hatred, on armament, and as long as this continues there can be no truly effective union work for the welfare of the people.

Wade Wilson, North America

What can WCOTP do to help? Strategy seminars: and the first of the strategy seminars would be to determine the ways and means of how the individual member organization can gain or obtain all the rights that all other government workers or civil servants have in their respective countries. After gaining and obtaining those rights they move ahead to gain the rights that are evident in the most developed country. We need seminars such as the Secretary General referred to, seminars on negotiations, seminars related to collective bargaining, but it is evident that we also need seminars on how to effect community support, support by coalitions of all workers, parents and the public in general for the cause of education and for the cause of teachers.

I move now from strategies to ask WCOTP to help the individual member organization by planning sessions with them on self assessment. I am certain that among the several organizations within WCOTP we have a large number of competences, a large number of skills, which are not being used. We must get to the use of the talents and the skills of each member regardless of teaching levels.

Thirdly, I would note an idea for financial systems. If you look about in each room in this building you see a sign on the wall that says that this furniture was given by the government and the workers of such and such a country. So I would ask WCOTP to help the individual member organizations by looking at their financial concerns, organizing seminars on financial planning, encouraging giving; because in each of our countries there are sources of funds which are untapped because we have not gone at them in the proper manner.

Nakakoji Kiyoo, North East Asia

Firstly, there is a common need of member organizations related to the guarantee of freedom of association, the guarantee of the right to organize, the right to collective bargaining, as well as the general civil rights which must be given to teachers. Now, we have been wondering in what way WCOTP as well as ILO can help us to meet these needs. During the past two days views have been expressed that what ILO is doing is not very effective because the famous Recommendation on the Status of Teachers does not have a binding force. Well, the Japan Teachers' Union in the past has lodged complaints with the ILO, but the ILO is not an International Court. It is a framework where collective bargaining is conducted by three parties. I understand that although the Recommendation does not have a binding force, and although ILO is not an International Court as such, ILO is a very effective forum where we can establish a certain international public opinion which we can use to exert pressure on various governments.

I would like to give you an example. As you know, the Japan Teachers' Union President, Mr. Makieda, was indicted. He was alleged to have instigated a strike in Japan. The ruling of the first instances was made a long time ago and at the present moment the case has been brought before the High Court. Mr. Thompson, the late Secretary General of WCOTP, was kind enough to visit Japan in order to testify in defence of Mr. Makieda before the Court. Mr. Thompson explained the content of the Unesco/ILO Recommendation concerning the Status of Teachers to the Judges, and this statement was very widely distributed through mass media to the general public. In Japan not only the teachers but also the general public are now aware of the existence of this Recommendation concerning the Status of Teachers. This is a very good example of what an organization such as WCOTP can do to help its member organizations. I hope to see the relations between WCOTP and ILO strengthened.

THIS IS WHAT WE WANT FROM THE ILO AND WCOTP

RECOMMENDATIONS

Among the points which occurred most frequently in the recommendations from group sessions, and which received the greatest support in plenary sessions, were the following.

A. Recommendations to the ILO:

1. To give credibility to its own declarations on freedom of association and the rights of workers, the ILO must establish and maintain direct and effective communication with teacher organizations, giving full recognition and status for this purpose to WCOTP. Attempts to restrict communication with workers are not in harmony with the constitutional purposes of ILO, and result in the exclusion of millions of teachers from representation.

2. A standing bilateral committee on the concerns of teachers, with parity of representation, should be established without delay, as recommended by the Special Joint Meeting on Conditions of Work of Teachers.

3. The ILO should make a strong intervention in Latin America, urging governments to respect the rights of teacher organizations and cease from the present harassment and persecution of their leaders and active members.

4. Training programs should be organized for officers of teacher organizations, to include such topics as the interpretation of law so as to ensure legality of procedures, and the skills of organization management and administration.

5. Bursaries should be provided for training courses tailored to the needs of leaders of teacher organizations who are attempting to secure implementation of the terms of the Recommendation concerning the Status of Teachers and of various ILO Conventions.

B. Recommendations to ILO and WCOTP jointly:

1. The ILO should cooperate with WCOTP in organizing a series of regional information seminars, with results to be evaluated after a year.

2. ILO and WCOTP should consult on ways of involving teacher organizations in worker education at the national level, to take advantage of the expertise of the teaching profession.

3. A joint study of teachers' salaries should be undertaken.

C. Recommendations to WCOTP:

1. Every effort should be made, especially through seminars and workshops, to disseminate information about the content and implications of the Recommendation concerning the Status of Teachers and the various ILO Conventions which deal with the collective rights of teachers, and also about the activities of the ILO and the procedures for bringing complaints to its attention.

2. WCOTP should urge its members to make concentrated efforts at the national level to obtain implementation of ILO Conventions and of the Recommendation concerning the Status of Teachers, to adopt their provisions as policy and to demonstrate solidarity in support of one another's efforts.

3. WCOTP should obtain and circulate information about gains made by its members in the field of fringe benefits, including pension plans, and in relation to the economic status of teachers in general.

4. Member organizations of WCOTP should be urged to set up committees on international affairs,where these do not already exist, for the specific purpose of obtaining and exchanging information about progress in the matter of teacher rights and conditions of employment.

5. Priority goals of WCOTP should include:

   - promotion of unity through the formation of federations in countries where several teacher organizations exist;

   - programs designed to improve the competence of those involved in the day-to-day administration and management of teacher organizations.

6. Member organizations should be helped to develop competence in the operation of bilateral programs of development assistance, through such methods as the creation of guidelines and the design of orientation and training processes for resource persons.

7. WCOTP must maintain unremitting pressure to have education made accessible to all. To this end it must oppose reductions in education budgets. It should particularly oppose any proposal for reductions in the provisions made for adult education and worker education, which are especially valuable.

8. WCOTP should regularly obtain information from its members on the degree of implementation in their countries of the provisions of ILO Conventions and the Recommendation concerning the Status of Teachers, with particular reference to:

   - professional autonomy and freedom;
   - consultation of teacher organizations by governments and education authorities;
   - provisions for negotiation, salary levels and conditions of service;
   - social security;

and should address comprehensive reports on these topics to each Assembly of Delegates.

REINFORCED ACTION IN DEFENCE OF TEACHERS

James W. Killeen, President, WCOTP

Closing Remarks

We had set as one of the aims of this seminar to give participants a deeper knowledge about the activities of the ILO. I think we all leave this seminar with a deeper knowledge of the complex structure of this organization and also with a better knowledge of the ways in which the ILO machinery can be used to assist teachers' and other workers' organizations. For this we owe great thanks to Messrs Bohère, Bell, Mukherjee, Simpson and Agostinone. Thanks to their very informative contributions, we are assured that national teachers' organizations and WCOTP will be able to make a more efficient use of the means the ILO provides to defend all workers.

There have been a number of suggestions about how WCOTP can reinforce its services to assist member organizations in their fight for the right to organize and for improved working conditions by acting as the channel between the organizations and the ILO. All these proposals will be examined by the Executive Committee of WCOTP with the view of reinforcing WCOTP action. But, as has been noted on several occasions during the seminar, much can also be done at national level for a more efficient use of the ILO machinery and its services. Organizations have a right to be consulted by the governments on issues dealt with by the ILO. If governments do not consult on their own initiative, pressure must be put on them to do so.

National trade union centres are the workers' representatives in the ILO tripartite structure. They are therefore a very important channel for action and for information which should be used more efficiently by those teachers' organizations affiliated to a national trade union centre. In countries where teachers are not, for their specific reasons, affiliated to a trade union centre contacts should be made, where feasible, with the view of cooperation for the mutual benefit of teachers' organizations and the trade union movement at large. The role teachers' organizations can play in workers' education is very significant. Here we have an expertise which we can share with the trade union movement at large. At the same time we can profit from mutual cooperation because of our overall trade union concerns.

This seminar has shown that there are new grounds to discover for the mutual benefit of teachers as well as for the labour movement at large. There can be a number of obstacles in our way which often find their origin in historical reasons. If we wish to promote the wellbeing of all and a more democratic society, we as well as the other parties need to overlook narrow interests in order to promote more global goals.

Strong and frequent criticism has been expressed, and rightly so, concerning the representation of teachers in the ILO.

The mechanisms through which representation to ILO meetings is determined must be rethought by ILO and by WCOTP in order to ensure that all teachers have direct and unfiltered access to the fine international services offered by ILO. Undoubtedly, further seminar meetings and discussions will pursue these points.

I thank you very much for your participation and wish you a safe journey home. Bonne chance.

ILO - THE DEFENDER OF TEACHERS' RIGHTS AND WORKING CONDITIONS

PROGRAMME

Sat. 14/Sun. 15 August	Arrival of participants
Monday 16 August 09.00-10.30	**Plenary** Opening - James W. Killeen, President, WCOTP - Gérard Bohère, Chief, Salaried Employees and Professional Workers Branch - ILO Workers and the ILO - Amal Mukherjee, Chief, Workers Relations Branch - ILO
10.30-11.00	**Break**
11.00-13.00	**Plenary** Outstanding problems in the exercise of the teaching profession - findings of the ILO Joint Meeting on Conditions of Work of Teachers - Michael Bell, Salaried Employees and Professional Workers Branch - ILO
13.00-15.00	**Lunch**
15.00-16.30	**Working Groups** Inventory of obstacles to the implementation of the Unesco/ILO Recommendation Concerning the Status of Teachers, and practical means to overcome the obstacles
16.30-18.00	**Plenary** Introduction on the above item - Michael Bell, Salaried Employees and Professional Workers Branch - ILO Reports of Working Groups and discussion

Tuesday 17 August 09.00-10.30	Plenary ILO in defence of freedom of association - W.R. Simpson, Chief, Freedom of Association Branch - ILO
10.30-11.00	Break
11.00-13.00	Plenary Examination of recent cases before the Freedom of Association Committee concerning Teachers - Michael Bell, Salaried Employees and Professional Workers Branch - ILO
13.00-15.00	Lunch
15.00-16.00	Working Groups The needs of individual member organizations - how can ILO help
16.00-18.00	Plenary Panel discussion: on the above item - V. Agostinone, Workers' Education Branch - ILO - Michael Bell, Salaried Employees and Professional Workers' Branch - ILO - WCOTP regional representatives
Wednesday 18 August 09.00-10.15	Working Groups The needs of individual member organizations - how can WCOTP help
10.15-10.45	Break
10.45-13.30	Plenary Panel discussion: on the above item - Norman M. Goble, Secretary General, WCOTP - Introduction - WCOTP regional representatives
	Closing remarks James W. Killeen, President, WCOTP

LIST OF PARTICIPANTS

LISTE DES PARTICIPANTS

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WESTERN SAMOA/SAMOA	Ulale, Ugapo Pusi
ZAIRE	Abeka, Pa-Wonyamok Kalala-Kayisha
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Bell, Michael	Salaried Employees and Professional Workers' Branch
Bohère Gérard	Chief, Salaried Employees and Professional Workers' Branch
Mukherjee, Amal	Chief, Workers' Relations Branch
Simpson, W.R.	Chief, Freedom of Association Branch

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Bediako, Tom A.

International Federation of Secondary Téachers/Fédération internationale des professeurs de l'enseignement secondaire officiel/Federación Internacional de Profesores de la Enseñanza Secundaria Oficial (FIPESO)

Baird, Joyce

ILO CONVENTION 87: FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE 1948.
ILO CONVENTION 98: RIGHT TO ORGANISE AND COLLECTIVE BARGAINING 1949.
ILO CONVENTION 151: LABOUR RELATIONS (PUBLIC SERVICE) 1978.
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